A Continuation
OF THE
ABRIDGMENT
Of all the
Public Acts of Aſſembly,
OF
VIRGINIA,
In Force and Uſe.

Together with
Sundry PRECEDENTS, adapted thereto.
AND
Proper TABLES.

By JOHN MERCER, *Gent.*

WILLIAMSBURG:
Printed by WILLIAM PARKS. M,DCC,XXXIX.

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Imperfect at end.

To the

READER.

AS the Acts passed the last Session of Assembly, not only make a considerable Addition to the Number of our Public Laws in Force, but also very materially alter several of the Laws then in Being, I was under a Sort of Necessity to appear again in Print, to render the Abridgment *I formerly published, in a Manner compleat, by adding the new Acts, and supplying Notes and Directions to point out the Alterations in the old; and at the same Time, to comply with the Request of a great Number of my Subscribers, I have added such Precedents as I formerly omitted, and for which I referred to Mr.* Webb's Justice, *and have endeavoured to render the principal Table more intelligible: Tho' I confess, I was much surprized to hear a Complaint on that Head almost general, when I imagined the Method of it was well known; or that to those who were unacquainted with it, what I had said on that Subject in the* Preface to the Reader, *would serve for an Explanation: I made choice of that, as the easiest and fullest Table I had ever met with; and must own I was obliged to Mr.* Wingate's Abridgment of the English Statutes, *for that Help.*

AS the Abridgment *has the several Heads under which the Acts are abridged, printed at the Top of each Page in an alphabetical Order, as* Acts of Assembly, Page 1. Attornies, Page 2. Baptism, Page 6. *and so through the Alphabet to the End; and each of those*

Heads is divided into Sections diſtinguiſhed by numerical Letters, as I. II. III. IV. V. *&c. ſo the Table conſiſts of Three ſeveral Characters, the* German Text, *as* Acts of Aſſembly, Page 1. Column 2. *of the Table. The* Roman, *as* Abatement, Abettors, Ability, *&c.* Page. 1. Column 1. *and the Italian, as Attornies, County Courts, Judicial Proceedings, Lands, and Sheriffs, under the Title* Abatement. *Theſe different Characters are abſolutely neceſſary, to avoid Perplexity and Confuſion in the Table. Where any Title is printed in the* German Text Character, *that ſhews there is ſuch a Title contained in the Book, and the Number ſet down againſt it, directs to the Page where that Title is to be found; as,* Acts of Aſſembly, 1. Attornies, 2. Baptiſm, 6. Barrels, 6 *ſhew thoſe Titles to be found in the Firſt, Second, and Sixth Pages; and ſo of the reſt. If any thing relating to any Title in that Character is diſperſed through the other Titles contained in the Book, as it frequently happens; then under ſuch Title ſo printed, are ſet down, in the Italian Character, the ſeveral Titles and Sections of thoſe Titles where thoſe Matters are to be found: As, under* Attornies, *in the Table, you will find Fees,* 16. *Judicial Proceedings,* 8, 9, 16, *to* 64, 73, 82. *Lands,* 58, 59, 63. *Mills,* 10, 14. *Rolling Houſes,* 2, 3. *Tithables,* 4, 8. *Tobacco,* 42, 88. *Tranſportation,* 13. *Which ſhews, that ſomething relating to Attornies, is to be found in the ſeveral Titles and Sections there mentioned; to find which, you muſt look for the Title Fees, at the Top of the Page in the Book, which you will find Page* 63; *then turn to the Sixteenth Section, Page* 77, *and you will diſcover there what relates to Attornies. In the ſame Manner, you muſt look for the other Titles, and the ſeveral Sections of thoſe Titles referred to. The Titles in the Table printed in the* Roman Character, *ſhew that there is no ſuch Title contained in the Book; but every thing*

relating

relating to that Title, is referred in the ſeveral Titles ſet under it in the Italian Character, with the ſeveral Sections, in the ſame Manner as they are ſet under the Titles in the German Text Character: *So, under the Title* Abatement, *being the firſt in the Table, you will find Attornies,* 9. *County Courts,* 16. *Judicial Proceedings,* 73, 77. *Lands,* 71. *Sheriffs,* 12. *By turning to which Titles, at the Top of the Page in the Book, and finding the Sections referred to in the Manner before directed, you will find ſomething relating to* Abatement *in every one of them. So under the Titles of* Churchwarden, Conſtable, *or any other Officer, printed in the Table in the* Roman Character, *tho' that, as I before obſerved, denotes there is no ſuch Title in the Book; yet every thing relating to their Office and Duty is pointed out by the Titles in the Italian Character, and the Sections underneath ſuch Officer's Name of Office; each of which muſt be turned to, as before directed; and thereby every Public Officer will readily diſcover how far every Act of Aſſembly in Force affects him. The Italian Character only ſerves in the ſame Stead as Figures in other Tables, to direct to the ſeveral Titles and Sections in the Book, relating to that Title next above it, printed either in the* German Text, *or* Roman *Character: Which Characters are only to be regarded, when you turn to the Table to look for any Word you want; which when you have found, the Italian Character directs to the Title and Section to be ſought for in the Book. I am ſatisfied I may be juſtly charged with Repetition of the ſame Thing over and over again; but as my chief Intention is to be underſtood by Perſons not much uſed to Tables, eſpecially thoſe proper for Law Books, I looked upon a Fault on that Hand much more excuſable than one on the other Side, being too ſhort; and if it anſwers the End propoſed, I ſhall be very well ſatisfied.*

WHERE

WHERE there is any Title in this Addition, which was contained in the former Book, I have Continued the Number of the Sections, in order to include them in the principal Table, which could not otherwiſe be done, and have added Directions how to alter the Table accordingly: And as, inſtead of a Table to the Precedents, *a Note in the Margin of the Book againſt the Line and Section to which each* Precedent *is adapted, will, perhaps, better direct to the Number of that wanted, I have alſo annexed a Table of Direction at the latter End; by the Help of which, the Book may be, in a little Time, altered with a Pen to avoid any Perplexity or Confuſion, which ſome of my Subſcribers might otherwiſe be led into, for want of marking what Laws, or Parts of them are expired, altered, or repealed.*

A TABLE

A

TABLE

OF THE

Public Acts of Aſſembly,

WITH

The Heads under which they ſtand.

Anno 12 Geo. 2. (Nov. 1, 1738.) Aſ. 2. Seſ. 2.

1. *AN Act, for further continuing and amending the Act, for amending the Staple of Tobacco; and for preventing Frauds in His Majeſty's Cuſtoms.* Tobacco.
2. *An Act, for the better Regulation of the Militia.* Militia.
3. *An Act, for reviving the Act, for making more effectual Proviſion againſt Invaſions and Inſurrections.* Invaſions.
4. *An Act, for altering the Method of Trial of certain Criminals therein mentioned.* Criminals.
5. *An Act, for continuing and amending an Act,* intituled, *An Act, for laying a Duty on Liquors.* Duties.
6. *An Act, for amending and further continuing an Act,* intituled, *An Act, for laying a Duty upon Slaves.* Duties.
7. *An Act, for amending the Act,* intituled, *An Act, for making, clearing, and repairing the Highways; and for clearing the Rivers and Creeks; and for making more effectual Proviſion for the keeping Mill-Dams in good Repair.* Highways.
8. *An Act, for amending the Act,* intituled, *An Act, concerning Tithables.* Tithables.
9. *An Act, to reſtain Sheriffs, and other Officers, from making unreaſonable Seiſures and Diſtreſſes; and for other Purpoſes therein mentioned.* Executions.
10. *An Act, for the better regulating and collecting certain Officers Fees, and other Purpoſes therein mentioned.* Fees.

11. *An*

11. *An Act, for Licenſing Pedlars; and preventing Frauds in the Duties upon Skins and Furs.* Pedlars.

12. *An Act, to encourage Settlements on the Southern Boundary of this Colony,* Frontiers.

13. *An Act, declaring the Law concerning Attachments; and altering the Court Days in the Counties of* Accomack *and* Amelia. Judicial Proceedings.

14. *An Act, for the better Preſervation of the Breed of Deer, and preventing unlawful Hunting.* Deer.

15. *An Act, for appointing a Treaſurer.* Treaſurer.

16. *An Act, for appointing ſeveral new Ferries, and diſcontinuing a former Ferry.* Ferries.

17. *An Act, for raiſing a Public Levy.*

18. *An Act, for better ſecuring the Title of certain Lands, to the Feoffees of the Town of* York; *and for ſettling the ſame for a Common for the Uſe of the Inhabitants of the ſaid Town.* Private.

19. *An Act, for the Relief of thoſe Perſons who were Sufferers in the Loſs of the Records of the County of* Nantemond, *whoſe Caſes have not been already provided for.* Private.

20. *An Act, for dividing the Pariſhes of* Southwark, *and* Lawn's Creek; *and other Purpoſes therein mentioned.* Private.

21. *An Act, for erecting two new Counties and Pariſhes, and granting certain Encouragements to the Inhabitants thereof.* Frontiers.

22. *An Act, to prevent the Inhabitants of the Borough of* Norfolk, *from being compelled to ſerve in the Militia of the County of* Norfolk; *and to exempt Sailors or Seamen, in actual Pay on board any Ship or Veſſel, from ſerving in the Militia.* Private.

23. *An Act, for allowing Fairs to be kept in the Town of* Fredericksburg. Private.

24. *An Act, for veſting Three Hundred Acres of Land, with the Appurtenances, in the County and Pariſh of* Accomack, *Parcel of a greater Tract, whereof* John Wallop *is ſeiſed, in Fee Tail, in* Joſhua Kendall, *in Fee Simple; and for ſettling ſeveral Slaves to the Uſes of the remaining entailed Lands.* Private.

25. *An Act, to enable* Ralph Wormley, *Eſq; to ſell and diſpoſe of certain entailed Lands, to raiſe Money for the Paiment of his Siſters Portions, and Performance of his Fathers Will.* Private.

William Gooch, *Governor.*

John Robinſon, *Jun. Speaker.*

CRIMINALS.

Ann. 1738 Cap. 4. App. III. Pag. 11.

§ XV. 12 *Geo.* 2. *cap.* 4. From and after the First Day of *February* next, when any Perſon, charged with a capital Offence, ſhall be examined before any County or other inferior Court, purſuant to the Laws in that Behalf; ſuch Court may and ſhall, by all ſuch Ways and Means as they think neceſſary, enquire whether ſuch Perſon has been convicted in *Great-Britain* or *Ireland*, of any Felony, or other Crime, and there ſentenced to be tranſported for the ſame; and whether the Term for which ſuch Perſon was ſentenced to be tranſported be expired: And if it appears, that ſuch Perſon was ſo convicted and ſentenced, and the Term not expired, ſuch Court ſhall cauſe their Opinion to be entered upon Record; and the Clerk of the ſaid Court ſhall certify ſuch Opinion upon the Back of the Commitment to the Public Goal.

XVI. On ſuch Certificate ſo endorſed on the Back of the Commitment of any ſuch Perſon to the Public Goal, the Clerk of the General Court ſhall not iſſue any Writ to ſummon a Jury of the Freeholders of the County where the Fact is alledged to be committed, for the Trial of ſuch Perſon, as heretofore uſed; but ſuch Perſon ſhall be tried by a Jury of the By-ſtanders in the General Court, or Court of *Oyer* and *Terminer*. Any Law, Uſage, or Cuſtom, notwithſtanding.

XVII. *Provided*, No Perſon ſhall be qualified to be of ſuch Jury, unleſs he be a Freeholder, and poſſeſſed of an Eſtate real or perſonal, of the Value of One Hundred Pounds *Sterling*.

XVIII. *Provided alſo*, That on ſuch Trial, the Priſoner ſhall have the Benefit of Challenges, and all other Advantages, which, by the Laws of this Colony, he or ſhe might have had on Trial by a Jury of the Vicinage.

XIX. This Act to continue in Force from its paſſing, for Four Years, and thence to the End of the next Seſſion of Aſſembly.

DEER.

Ann. 1738 Cap. 14. App. III. Pag. 35.

§ IV. 12 *Geo.* 2. *cap.* 14. After paſſing this Act, every Perſon who ſhall hunt, ſhoot, kill, or deſtroy, running Wild in the Woods, any Buck, between the Firſt of *December*,

Ann 1738 Cap. 14. App. III. *Pag.* 35. Warrant 152.

cember, and the Laſt of *July*; or any Doe or Fawn, between the Firſt of *January*, and the Laſt of *Septem-ber*, Yearly; or ſhall buy or receive any ſuch of any Indian or other Perſon, ſhall forfeit Twenty Shillings Current Money for every Buck, Doe, or Fawn ſo killed, bought, or received; recoverable before any Juſtice in the County where the Offence is committed, upon Conviction, by the Oath of one ſufficient Witneſs, or Confeſſion of the Party. And if any Servant or Slave by Command of his or her Maſter, Miſtreſs, or Overſeer, ſhall ſo hunt, ſhoot, or kill, or buy, or receive, any Deer ſo killed; the Party giving ſuch Command, ſhall be liable to the like Penalties reſpectively. And if ſuch Servant or Slave cannot prove ſuch Command, he or ſhe ſhall receive, by Order of ſuch Juſtice, for every ſuch Offence, Twenty Laſhes on the bare Back, well laid on; unleſs Security be given for the Paiment of the Fine, within Six Months after ſuch Conviction.

V. *Provided*, Any Freeholder or Houſe-keeper may kill any kind of Deer in his Corn-field, or other incloſed Grounds, where Wheat, Peaſe, or other Grain is growing, without being liable to any Penalty for ſo doing.

VI. *Provided alſo*, Nothing herein ſhall extend to any Perſon living or being upon the Frontiers of this Colony, who ſhall kill any Deer for Food, for the neceſſary Subſiſtence of himſelf or Family; ſo as ſuch Perſon do not ſell or diſpoſe of the Skin of any Deer ſo killed. And if any ſuch Perſon ſhall be proſecuted upon this Act, the *Onus Probandi*, that he killed the ſame for Food, ſhall lie upon him.

Warrant 182.

VII. Any Perſon whatſoever buying or receiving into his or her Houſe, the Skins of any Deer, killed within the Times herein before limited, commonly called Red Skins; upon Conviction before a Juſtice, in manner aforeſaid, ſhall forfeit and pay Ten Shillings Current Money for every Skin ſo bought or received.

VIII. Every Conſtable ſhall have full Power and Authority to ſearch in all ſuſpected Places for all Red Skins of Deer killed, contrary to the Directions of this Act, and to bring the ſame before ſome Juſtice of the County where the Offender reſides, who ſhall immediately give Judgment for the Penalty aforeſaid, if ſuch Offender ſhall not prove the ſame to be taken from Deer killed within his or her incloſed tended Grounds, as aforeſaid.

Warrant 183. *Pag.* 36.

IX. No Perſon ſhall keep any Beagles or Hounds running at large, but in Kennels or Couples, or with Clogs, except

except at ſuch Times as they are uſed in hunting by the Owner, or his Servants, under the Penalty of Five Shillings for every Beagle or Hound ſo going at large. *Ann.* 1738 Cap. 14. App. III. *Pag.* 36.

X. Every Perſon preſent at any Fire hunting, or killing Deer by any ſuch Means, on patented Land, ſhall forfeit and pay Twenty Shillings for every ſuch Offence. And if any Indian be found Fire-hunting, the Owner of ſuch Land, or his or her Overſeer, may take ſuch Indian's Gun to his own Uſe. Warrant 184.

XI. Every Perſon hunting or ranging on the patented Lands of any Freeholder, without the Owner's Leave, ſhall forfeit and pay Twenty Shillings for every ſuch Offence. All the Penalties before-mentioned, may be recovered before any Juſtice of the County where the Offence ſhall be committed: One Half for the Uſe of the Pariſh where the Offender reſides; the other Half to the Informer. And every ſuch Juſtice, upon Information of any of the ſaid Offences, ſhall take for Evidence, the Confeſſion of the Party accuſed, or the Oath of one credible Witneſs. And where the Owner of any Land ſhall proſecute for any unlawful hunting and ranging thereon, the Oath of ſuch Owner ſhall be ſufficient Evidence to convict the Offender: But in that Caſe, the whole Penalty ſhall go to the Pariſh. Warrant 185.

XII. Every County Court ſhall, Yearly, in *January*, or the next ſucceeding Court, adminiſter to every Conſtable in the County, an Oath, well and truly to preſent to the next Juſtice all Offences againſt this Act; And every Juſtice, on ſuch Preſentment, ſhall immediately iſſue his Warrant to bring before him ſuch Offender, and give Judgment and award Execution againſt his or her Goods and Chattels for the reſpective Penalties.

XIII The Act of 8 *Geo.* 2. *cap.* 12. and every other Act, ſo far as they relate to any thing within the Purview of this Act, are hereby repealed.

DUTIES.

§ LXIV. 12 *Geo.* 2. *cap.* 5. The Act of 5 & 6 *Geo.* 2. *cap.* 2. (*See* Sect. 21.) ſhall continue in Force from the Laſt Day of *July*, 1740, for Four Years then next following, and no longer. *Ann.* 1738 Cap. 5. App. III. *Pag.* 12.

LXV. After the ſaid Laſt Day of *July*, 1740, every Collector of the Duties, by this or any other Act impoſed, ſhall allow, for Leakage, to the Perſon entring Rum, and paying Duties for the ſame, Fifteen Gallons

Ann. 1738 Cap 5. App. III. *Pag.* 12. in every Hundred, over and above the Allowance in the ſaid Act directed. Any thing therein, notwithſtanding. (*See* Sect. 26.)

LXVI. *Provided*, The ſaid Allowance for Leakage ſhall not extend to the Duty of One Penny *per* Gallon laid upon Liquors, by 12 *Geo.* 1. *cap.* 1. (*See* Sect. 5.) And no greater Allowance ſhall be made for Leakage, as to the ſaid Duty of One Penny, than is provided in the ſaid Act.

LXVII. When any Liquors ſhall be conſigned to any Perſon, other than the Maſter or Owner of the Veſſel importing the ſame, ſuch Perſon ſhall, upon Importation, pay to the Maſter or Owner of the Veſſel, the Duty paiable for ſuch Liquors, by this or any other Act: Or, on Refuſal or Neglect to pay the ſaid Duty, or to give Bond, with Security, for the Paiment thereof to ſuch Maſter or Owner, or at ſuch Time as the ſame ſhall become paiable; the ſaid Maſter or Owner may detain ſuch Liquors, until the Duty paid, or ſecured to be paid, as aforeſaid.

LXVIII. All Liquors imported, on which there is a Duty, and tranſported by Water, from one Diſtrict to another, without producing a proper Certificate to the Officer into whoſe Diſtrict the ſame ſhall be tranſported, ſhall be liable to be ſeiſed and forfeited; (*See* Sect. 37.) and ſhall be appropriated and diſpoſed of, as the other Forfeitures mentioned in 5 & 6 *Geo.* 2. *cap.* 2. (*See* Sect. 32, & 15.)

Ann. 1738 Cap. 6. *Pag.* 14. LXIX. 12 *Geo.* 2. *cap.* 6. Every Importer of Slaves by Land or Water for Sale, if he ſells them himſelf; or if they be conſigned, then the Perſon taking upon him their Sale and Diſpoſal, ſhall be and are hereby appointed Collectors of the Duty (by 5 & 6 *Geo.* 2. *cap.* 3. *See* Sect. 38.) upon the Slaves ſo imported and ſold by them reſpectively; and upon all other Slaves imported by Water, in the ſame Veſſel, belonging to the Maſter or other Officer, commonly called privileged Slaves. And every Purchaſer of any ſuch Slave, ſhall, upon Sale and Delivery thereof, pay to ſuch Collector, the Duty mentioned in the ſaid Act, or give his promiſory Note for Paiment of the ſame, within Forty Days after ſuch Sale and Delivery. And if any Slave, for which the Duty ſhall be ſo paid, or ſecured to be paid, ſhall die within the ſaid Forty Days, and the Purchaſer ſhall make Oath thereof before ſome Juſtice, the ſaid Collector, upon producing and delivering a Certificate of ſuch Oath to him,

him, ſhall pay back to the Purchaſer the ſaid Duty, if paid; or deliver up the promiſory Note given for Paiment thereof. And if any Importer of Slaves, or other Perſon taking upon him the Sale and Diſpoſal of them, as aforeſaid, neglects or refuſes to receive the ſaid Duty, or take Notes for Paiment thereof, as before-mentioned; ſuch Perſon ſhall be chargeable with the Paiment of the ſaid Duty, in the ſame manner, as the Purchaſer, by that or this Act. (*See* Sect. 38.) *Ann.* 1738 Cap. 6. App. III. *Pag.* 14.

LXX. *Provided*, If ſuch Importer, or Perſon taking upon him the Sale of Slaves, be not an Inhabitant of this Colony, the Purchaſers of ſuch Slaves ſhall pay the ſaid Duty to the Naval Officer of the Diſtrict where the Veſſel importing the ſame (if imported by Water) ſhall enter; or if imported by Land, to the Naval Officer living neareſt to the Place of Sale, in manner preſcribed by the aforeſaid Act. (*See* Sect. 48,) and 10 *Geo.* 2. *cap.* 1. (*See* Treaſurer, Sect. 25.) And ſuch Naval Officer is hereby appointed Collector of the ſaid Duty accordingly.

LXXI. Every Collector of the Duty aforeſaid appointed by this Act, ſhall account for the ſame, in the ſame manner, as the Collectors of the ſaid Duty by the aforeſaid Acts; (*See* Sect. 49; and Treaſurer, Sect. 32.) and ſhall have the Salary of Six Pounds in the Hundred. And ſuch Collector, if he had the Sale of any Slaves, at the Time of ſuch accounting, ſhall deliver to the Treaſurer of the Duties upon Liquors and Slaves, upon Oath, a true Manifeſt or Account of all the Slaves by him ſold, the Name and Place of Abode of every Purchaſer, the Price each Slave ſold at, and how many of the ſaid Slaves, if any, remain unſold; and alſo a true Account of the Names of ſuch Buyers who have paid the Duty, and the Sum received from each reſpectively, with a Liſt of ſuch Perſons, if any, whoſe promiſory Notes are then due and unpaid; and ſhall then deliver to the Treaſurer, all ſuch Notes as ſhall be then due and paiable; and ſhall have the ſame Salary upon ſuch Notes, as if the Money was actually paid into the Treaſury: And if any ſuch Note ſhall remain unpaid, after the Time it ought to have been paid, the Perſon ſigning ſuch Note, ſhall forfeit treble the Sum for which ſuch Note ſhall be given. And the ſaid Penalty ſhall and may be ſued for in the General Court, altho' the ſame ſhall not amount to Ten Pounds *Sterling*; and the Treaſurer of the ſaid Duty, for the Time being, ſhall and *Pag.* 15.

may

Ann. 1738 Cap. 6. App III. Pag. 15. may commence and profecute any Action or Information, *qui tam*, for Recovery thereof; in which no Act or Time of Limitation ſhall be a Bar: And the Money recovered, ſhall be accounted for, and paid into the Treaſury.

LXXII. *Provided*, the Treaſurer may compound the ſaid Penalty, either before or after Action brought.

LXXIII. So much of the Clauſe of 5 & 6 *Geo.* 2. *cap.* 3. (Sect. 38.) impoſing a Penalty of Five Pounds on every Buyer of Slaves, not paying the Duty, and giving an Account of the Slaves by him purchaſed to the Collector thereof, according to the Directions of the ſaid Act; except as to Buyers purchaſing Slaves of Perſons, not Inhabitants of this Colony, is hereby repealed: But the ſame as to ſuch laſt mentioned Buyers, ſhall be ſtill in Force. And the ſaid Acts of 5 & 6 *Geo.* 2. *cap.* 3. (*See* Sect. 38.) and 10 *Geo.* 2. *cap.* 1. *See* Treaſurer. Sect. 18.) ſo far as the ſame concern the ſaid Duty upon Slaves; for ſo much of the ſaid Acts as are not repealed and altered by this Act, ſhall continue and be in Force from and after the Firſt Day of *July*, 1740, for the Term of Four Years thence next following, and no longer. And ſo much of the ſaid Acts as is contrary to any thing contained in this Act, is hereby repealed.

EXECUTIONS.

Ann. 1738 Cap. 9 App. III. Pag. 19. § XLIII. 12 *Geo.* 2. *cap.* 9. No Sheriff, or other Officer, to whom any Writ of *Fieri Facias* ſhall be directed, ſhall hereafter take in Execution any Slave or Slaves, unleſs the Debt and Coſts, mentioned in ſuch *Fieri Facias*, ſhall amount to Ten Pounds, or Two Thouſand Pounds of Tobacco; provided there be ſhewn to ſuch Sheriff, or other Officer, by the Defendant, or other Perſon, ſufficient Goods and Chattels of ſuch Defendant, within the Bailiwick of ſuch Sheriff, or other Officer, upon which he may levy the Debt and Coſts mentioned in ſuch *Fieri Facias*. And no Collector of any Officers Fees, or of any Public, County, or Pariſh Levies, ſhall hereafter ſeiſe or make Diſtreſs upon the Slave or Slaves of any Perſon for ſuch Fees or Levies, if other ſufficient Diſtreſs can be had. And no Sheriff, or other Officer, or Collector of Fees or Levies, ſhall make or take unreaſonable Seiſures or Diſtreſſes. And if any Sheriff, or other Collector of Fees or Levies, as aforeſaid, ſhall act contrary hereto, he ſhall be liable to the

the Action of the Party grieved, grounded upon this Act; wherein the Plaintiff ſhall recover full Coſts, tho' the Damages given do not exceed Forty Shillings. *Ann.* 1738 Cap. 9. App. III. Pag. 20.

XLIV. No Action or Suit ſhall be brought for any Pariſh Levies, where Diſtreſs may be had for the ſame: And where any ſuch Levies ſhall not be paid to, or received by the Collector of the ſame, in the Year in which ſuch Levies ought to be paid, any ſucceeding Collector of the Pariſh Levy, may make Diſtreſs for the ſame, at any Time, within Three Years after they firſt became due. And no Juſtice ſhall hereafter grant an Execution upon any Judgment given by him out of Court againſt the Body of the Debtor or Defendant: Any Law, Uſage, or Cuſtom, notwithſtanding.

FEES.

Note, This Fee Bill differs in ſo few Particulars from the laſt Fee Bill, 10 *Geo.* 2 *cap.* 8. which ſee under *Title*, *Fee*, Page 63, that I eſteemed it altogether needleſs to reprint it here, but choſe to let it ſtand as there printed; and to add here what is there wanting to make it compleat. The Alterations aro ſo trivial, that they may be eaſily made with a Pen, as follows: *Ann.* 1738 Cap. 10. App. III. Pag. 20.

Page 63 Sect. I, alter 10 *Geo.* 2. *cap.* 8. to 12 *Geo.* 2. *cap.* 10. and in the Margin, for *Anno* 1736. *Cap.* 8. Pag. 16. App. 2. make it, *Anno* 1738. *Cap.* 10. Pag. 20. App. 3. Which Alteration make in the Margin of the ſeveral Pages following, to the End of the Act.

XVIII. There is no Alteration at all in the Secretaries Fees, but Page 66. Line 9. after, For docking every Cauſe on the Court Docket, add, to be charged but once. The Fee is the ſame it was.

XIX. County Court Clerks Fees.

Page 69 Article 2. Inſtead of 200 *lbs.* of Tobacco, make the Fee 250.

3. For a Copy of a Will, or Inventory, alter it to, if the Original is contained in one Sheet.

9. For attending a Court for Examination, &c. add, if a Court be held for that Purpoſe.

15. After, For every Search for any Thing, if a Copy be not required, add, or the Record read.

25. After, For docking every Cauſe, except by Petition, add, to be charged but once.

Page 70. Article 20. Alter the Fee, For filing the Depoſitions in any Suit, for each Party, from 10 *lbs.* of Tobacco; to 5.

71. Ar-

Ann. 1738 Cap. 10. App. III, *Page* 20.

71. Article 8. Alter the Fee, For entring an Appeal, and taking Bond to profecute it, from 26 *lbs.* of Tobacco, to 20.

The only new Fee added, is, For every Summons to ſummon a Garniſhee on an Attachment, 10*lbs.* of Tobacco; which may be entred with a Pen in Page 69, where it comes in after the Article, For an Attachment granted by a Juſtice, *&c.*

In the preſent Act, After the Allowance to the Clerk for Public Services, is the following Clauſe:

XX. And when any Perſon, preſented by the Grand Jury, or Churchwardens, ſhall be diſcharged of any ſuch Preſentment, the Clerk ſhall charge no Fees for any Matter relating thereto; but it ſhall be deemed to be included in the Public Services: But if the Party ſo preſented ſhall be convict, the Clerk ſhall charge ſuch Party with all Fees accruing thereon.

XXI. Sheriſs Fees.

Page 73. Article 15. Inſtead of, But if againſt ſeveral Tenants, for each Tenant, 15, alter it to every other Tenant, 15.

74. Article 9. Alter his Allowance for Public Services, from 1090, to 1200.

New Fees added.	Pounds of Tobacco.
For Serving a *Scire Facias*,	15
For the Removal of every Priſoner from the County Goal, to the Public Goal, for every Mile; to be paid by the County, and re-paid by the Public,	5
For whipping a Slave by order of Court; to be paid and re-paid, as aforeſaid,	20

Theſe Three Articles may be added in Pages 72, and 73, with a Pen.

After the Allowance to the Sheriff for Public Services is inſerted, the ſame Clauſe as to his Fees, upon Preſentments as before, Sect. 20. relating to the Clerks Fees in ſuch Caſes.

XXII. The Coroners Fees ſtand without Alteration.

XXIII. To the Conſtables Fees is added,

For whipping a Slave, to be paid by the Overſeer, (if under one,) if not, by the Maſter, One Shilling, or 10 Pounds of Tobacco.

XXIV. To the Surveiors Fees, are added the Two following:

	Pounds of Tobacco.
For running every dividing Line between Pariſhes,	250
For Surveying an Acre of Land for a Mill,	100

And

And the following Clauſe inſerted after his Fees: *Ann.* 1738
XXV. *Provided*, Where any Perſon ſhall employ a Cap. 10.
Surveior, and ſhall have received a Plat of the Lands ſur- App. III.
veyed, and after ſhall aſſign the Land to any other, be- *Pag.* 20.
fore or after obtaining a Patent for the ſame; if ſuch Perſon, for whom the Land was firſt ſurveyed, ſhall not have paid for the ſaid Survey, the Sheriff of the County where ſuch Aſſignee reſides, at the Inſtance of ſuch Surveior, may diſtrain the Slaves, Goods, and Chattels of ſuch Aſſignee, in the Manner hereafter provided for Surveiors, or other Officers Fees, refuſed or delayed to be paid. *See* Sect. 13. Page 76.

Page 76. Lines 2 and 3. alter 8 *Geo.* 2. *cap.* 10. to 10 *Geo.* 2. *cap.* 8.

Line 20. After the Word reſpectively, is added, in the preſent Act, this Clauſe:

XXVI. And the Sheriff of any County, for all Fees unpaid after the ſaid Tenth Day of *April* Yearly, due to himſelf or the Sheriff of another County, put into his Hands to collect, as aforeſaid, may make Diſtreſs and Sale of the Goods and Chattels of the Perſon refuſing or delaying Payment, in the ſame Manner, as for other Fees due to any of the Officers herein before mentioned.

Page 77, Line 13, From commence *October* 4th next; alter it to commence from the End of this Seſſion.

And Line 14, inſtead of Two Years, make it Four Years.

FERRIES.

§ XL. 12. *Geo.* 2. *cap.* 16. Ferries, ſhall be con- *Ann.* 1738
ſtantly kept, at the Places and Rates herein after men- Cap. 16.
tioned. App. III.
Pag. 238.

	The Price For a Man		For an Horſe, or Hogſ. of Tobac.	
	s.	*d.*	*s.*	*d.*
On *Potowmack* River, from *Francis Awbrey*'s, in *Prince William*, over to *Maryland*,		7½		7½
On *Rappahannock*, from *James Hackley*'s, in *King George*, to the Land of Col. *Gawin Corbin*, in *Caroline*,		3		6

Ann. 1738 Cap. 10 App. III. *Pag.* 238.	On *James River*, from the Land of Col. *Richard Bland*, in *Prince George*, to the Land of Mrs. *Anderſon*, in *Charles City*.	For a Man. 7½	For a Horſe, or Hogſ. of Tob. 7½
	On *Appamattox* River, from the Land of *William Pride*, called the Store Landing, in *Henrico*, to *Anthony*'s Landing, in *Prince George*. And from the ſaid Store Landing, over the Mouth of *Perſie*'s-*Stile* Creek, to the Land of *Peter Baugh*, at each Place.	3	3

XLI. The Licenſes to be obtained, and Boats for Wheel Carriages directed, as in Sect. 16 and 17; and the Rates for Wheel Carriages ſettled, as in Sect. 29.

XLII. The Ferry appointed by 4 *Ann. cap.* 53. at the Mouth of upper *Chipoak's* Creek over to the *Row*, or *Martin*'s-*Brandon*, is diſcontinued; and ſo much of that Act, as relates to it, repealed.

FRONTIERS.

Ann. 1738 Cap. 12. App. III. *Pag.* 33.

§ III. 12 *Geo.* 2. *cap.* 12. All Perſons importing themſelves within Ten Years after Paſſing this Act, and ſettling upon *Roanoke* River, on the *Southern* Boundary of this Colony; on the *South* Branch of the ſame, above the Fork thereof; and on the *North* Branch of the ſaid River, above the Mouth of little *Roanoke*, otherwiſe called *Licking-Hole*, including all the Lands on all the ſaid Branches, and the Lands now lying between them, now deemed to be in the County of *Brunſwick*, and Pariſh of St. *Andrew*, ſhall be exempted from the Paiment of Public, County, and Pariſh Levies, until the Expiration of the ſaid Ten Years; and may pay and diſcharge all Officers Fees, wherewith they ſhall be chargeable, in Current Money, at the Rate of Three Farthings *per* Pound for Tobacco, without any Deduction; and all Public, County, and Pariſh Levies, after the Expiration of the ſaid Ten Years, at the ſame Rate.

IV. The Governor, or Commander in Chief, for the Time being, may grant Letters of Naturalization to any Alien, ſettling there, as aforeſaid, upon a Certificate from the Clerk of any County Court, of his or her having taken the Oaths appointed by Law, and ſubſcribed the Teſt,

in

in like Manner as he might do upon taking and ſubſcribing the ſame before himſelf. Any Law, Uſage, or Cuſtom, notwithſtanding. *Ann.* 1738 Cap. 12. App. III. Pag. 33.

V. *Provided*, The Perſons ſo ſettling on the ſaid Lands, during the ſaid Term of Ten Years, ſupport their own Poor; and make and maintain their own Roads and Bridges; and ſhall not be entitled to any Reward for killing of Wolves.

VI. 12 *Geo.* 2. *cap.* 21. All that Territory or Tract of Land, at preſent, deemed Part of the County of *Orange*, lying on the *North Weſt* Side of the Top of the Blue Ridge of Mountains, extending from thence *Northerly*, *Weſterly*, and *Southerly*, beyond the ſaid Mountains, to the utmoſt Limits of *Virginia*, ſhall be ſeparated from the reſt of the ſaid County, and erected into two diſtinct Counties and Pariſhes; to be divided by a Line run from the Head Spring of *Hedgman* River to the Head Spring of the River *Potowmack*: That Part lying to the *North Eaſt* of the ſaid Line, to be one diſtinct County and Pariſh, called the County of *Frederick*, and Pariſh of *Frederick*; and that Part on the other Side of the ſaid Line to be one other diſtinct County and Pariſh, called the County of *Auguſta*, and Pariſh of *Auguſta*. *Ann.* 1738 Cap. 21 App. III. Pag. 46.

VII. *Provided*, The ſaid new Counties and Pariſhes ſhall remain Part of the County of *Orange*, and Pariſh of St. *Mark*, until it be made appear to the Governor and Council, for the Time being, that there is a ſufficient Number of the Inhabitants for appointing Juſtices and other Officers, and erecting Courts therein, for the due Adminiſtration of Juſtice, ſo as the Inhabitants of the ſaid new Counties and Pariſhes be henceforth exempted from the Paiment of all Public, County, and Pariſh Levies, in the County of *Orange*, and Pariſh of St. *Mark*; yet ſuch Exemption not to extend to any ſuch Levies laid, at or before paſſing this Act.

VIII. After Courts conſtituted for the ſaid new Counties reſpectively, the Court for the County of *Frederick*, ſhall be held upon the Second *Friday*, and the Court for the County of *Auguſta*, upon the Second *Monday* in every Month. And the ſaid Counties and Pariſhes ſhall, reſpectively, enjoy all Rights, Privileges, and Advantages whatſoever, belonging to the other Counties and Pariſhes of this Colony. Page 45

IX. The Governor, or Commander in Chief, for the Time being, may grant Letters of Naturalization to any Alien coming to inhabit there, upon a Certificate from

Ann 1738 Cap. 21. App. III. *Pag.* 47. the Clerk of any County Court, of his or her having taken the Oaths appointed by Law, and ſubſcribed the Teſt, in the ſame Manner as he might, upon taking and ſubſcribing the ſame before himſelf.

X. The Inhabitants of the ſaid new Counties may pay all Levies, Secretaries, Clerks, Sheriffs, and other Officers Fees, in Money, for Tobacco, at Three Farthings *per* Pound, without any Deduction: And the ſaid Counties ſhall be exempted from Public Levies for Ten Years.

XI. *Provided*, After paſſing this Act, no Allowance ſhall be made to any Perſon for killing Wolves, within the Limits of the ſaid new Counties.

XII. The Freeholders and Houſe-keepers of the ſaid new Pariſhes reſpectively, ſhall meet at ſuch Time and Place, as the Governor, or Commander in Chief, for the Time being, with Advice of the Council, ſhall appoint, by Precept under his Hand and the Seal of the Colony: To be directed to the Sheriffs of the ſaid new Counties reſpectively; and by the ſaid Sheriffs publicly advertiſed, then and there to elect Twelve of the moſt able and diſcreet Perſons of their reſpective Pariſhes: Which Perſons ſo elected, having taken the Oaths appointed by Law, and ſubſcribed to be conformable to the Doctrine and Diſcipline of the Church of *England*, ſhall, to all Intents and Purpoſes, be deemed the Veſtries of the ſaid new Pariſhes reſpectively.

HIGHWAYS.

Ann. 1738 Cap. 7. App. III. *Pag.* 16. 6 XI. 12 *Geo.* 2. *cap.* 7. From and after paſſing this Act, the Surveiors of the Highways, within their ſeveral Precincts, may cut and take from off the Lands of any Perſon next adjacent to the Bridge or Place to be made or repaired, where the ſame ſhall be wanted, ſuch and ſo much Wood and Timber only, as ſhall be neceſſary for the maintaining and keeping in Repair the public Roads, and making and repairing Bridges therein, purſuant to the Directions of 4 *Ann. cap.* 39. (*See* Sect. 1, 6, 8.) Which Timber ſhall be firſt viewed and valued by two honeſt Houſe-keepers, upon Oath, to be appointed and ſworn by ſome Juſtice of the County where the ſaid Timber ſhall be cut. And the Court of the ſaid County ſhall, in their next County Levy, allow the Owner of ſuch Timber for the ſame, according to ſuch Valuation, if a Certificate thereof from the ſaid two Houſe-keepers ſhall be produced to ſuch Court.

Warrant 186.

XII. Where

XII. Where Bridges and Cauſeways are or ſhall be neceſſary for the Conveniency of paſſing from one County to another, the Charge of making ſuch, ſo far as the ſame ſhall be wanting, ſhall be defrayed at the joint Expence of both Counties, in Proportion to the Number of Tithables in each County reſpectively. And if the Juſtices of any County adjoining to ſuch Place over which a Bridge and Cauſeway ſhall be wanting and neceſſary, or over which any Bridge and Cauſeway is already erected, ſhall refuſe to join in an Agreement with the Juſtices of the County adjoining to the other Side of ſuch Place, for the building, re-building, or repairing, any ſuch Bridge or Cauſeway, or to levy their Proportion of the Charge thereof in their County Levy; ſuch Juſtices ſo refuſing, ſhall forfeit and pay Two Thouſand Pounds of Tobacco to the Juſtices of the other County propoſing to enter into ſuch an Agreement: To be recovered by Action of Debt, or Information, in the General Court; and be by them appropriated to the Uſe of their County, for leſſening the Levy thereof, by the Poll. *Ann.* 1738 Cap. 7. App. III. *Pag.* 16.

XIII. *Provided*, Such Recovery ſhall not diſcharge ſuch refuſing Juſtices, nor the other Juſtices of ſuch County, from levying and paying ſuch Proportion afterwards, in the Levy of their County. Any Law, Cuſtom, or Uſage, notwithſtanding.

XIV. Where it ſhall be neceſſary and convenient to make and clear a Road in one County to ſome public Place in another adjacent County, and a Road be accordingly made and cleared by Order of the Juſtices of either of the ſaid Counties as far as the County extends; the Juſtices of ſuch adjacent County ſhall cauſe a convenient Road to be made and cleared through their County, from the End of the Road cleared in the ſaid other County, to ſuch public Place, as aforeſaid; or, on Failure or Refuſal, ſhall forfeit and pay to the Juſtices of the ſaid other County, Two Thouſand Pounds of Tobacco: To be recovered and appropriated, as the Penalty laſt mentioned. (Sect. 12.) *Pag.* 17.

XV. Every County Court ſhall, before the Firſt Day of *April* next, order the Surveiors of the ſeveral Roads in the County where two or more croſs Roads or Highways meet, forthwith to erect, in the moſt convenient Place where ſuch Ways join, a Stone or Poſt, with Inſcriptions thereon, in large Letters, directing to the moſt noted Place to which each of the adjoining Roads leads. And the Surveior may take any Trees or Wood, not being Timber, from any Land

Ann. 1738 Cap. 7. App. III. *Pag.* 17. Land next adjacent, for making and ſetting up ſuch Poſt: And the Expence ſuch Surveior ſhall be at in ſetting up the ſame, and cauſing Inſcriptions to be made thereon, ſhall be re-imburſed and paid by the County at the next Levy after the Service performed. And any Surveior neglecting or refuſing, by the Space of Three Months after he is ſerved with the Order of the ſaid Court, to cauſe ſuch Stone or Poſt to be fixed, as aforeſaid, ſhall forfeit and pay Fifteen Shillings for every Month the ſame ſhall be wanting: To be recovered, as the Penalty for not keeping the Roads in Repair. (*See* Sect. 5, & 1.) And every ſuch Surveior ſhall, as there is Occaſion, cauſe ſuch Inſcriptions to be renewed, and new Poſts or Stones, with Inſcriptions, as aforeſaid, if wanting, to be fixed, under the like Penalty; recoverable in the ſame Manner. And the Juſtices of every County Court neglecting or refuſing to order the Surveiors to erect ſuch Stones or Poſts, as aforeſaid, ſhall forfeit and pay Two Thouſand Pounds of Tobacco: One Moiety to the King, his Heirs and Succeſſors, towards Support of this Government; and the other Moiety to the Perſon ſuing for the ſame: To be recovered, with Coſts, by Action of Debt, or Information, in the General Court.

Warrant 187.

XVI. If any Mill-Dam, to which any public Road leads, or the Bridge or Paſſage of the Peer Head, Flood-Gates, or Waſte, over the ſame, ſhall, after the Firſt Day of *May* next, be of leſs Breadth than Ten Feet at Top, for the whole Length of ſuch Dam, Bridge, or Paſſage; the Owner or Owners, Occupier or Occupiers of ſuch Mill, ſhall forfeit and pay Twenty Shillings for every Offence: To be recovered, with Coſts, before any Juſtice of the County in which ſuch Mill-Dam ſhall be: One Half to the Informer; the other to the Church-wardens of the Pariſh in which ſuch Mill ſhall be, for the Uſe of the Poor of the ſaid Pariſh. And every Owner or Occupier of ſuch Mill ſhall, before the ſaid Firſt Day of *May*, cauſe ſtrong Rails to be ſet up on each Side of ſuch Bridge or Paſſage, at the Peer-Head, Flood-Gates, or Waſte, under the like Penalty.

Warrant 188. *Pag.* 18.

XVII. *Provided*, If any ſuch Mill-Dam, or the Flood-Gates, or Peer-Head, belonging to any ſuch Mill be deſtroyed or carried away by violent Rains, or other Accident, the Owner or Owners thereof, ſhall not be liable to any of the Penalties before-mentioned, until 1 Month after ſuch Mill hath ground at leaſt 1 Buſhel of Corn, or other Grain, for Toll.

XVIII. So

XVIII. So much of the Act of 1 *Geo.* 1. *cap.* 2. as inflicts any Penalty or Forfeiture for not keeping Mill-Dams in Repair, according to the Directions in this Act, is hereby repealed. *Ann.* 1738 Cap. 7. App. III. *Pag.* 18.

INVASIONS and INSURRECTIONS.

§ XXI. 12 *Geo.* 2. *cap.* 3. The Act of 1 *Geo.* 2. *cap.* 5. continued for Three Years next after paſſing this Act. *Ann.* 1738 Cap. 3. App. III. *Pag.* 11.

JUDICIAL PROCEEDINGS.

§ LXXXIII. 12 *Geo.* 2. *cap.* 13. When any Perſon ſhall obtain any Attachment for Debt, purſuant to 4 *Ann. cap.* 11. (which ſee *Tit. County Courts. Sect.* 7.) returnable as therein mentioned, directed to the Sheriff, or other proper Officer; ſuch Sheriff, or Officer, may levy the ſame in the Hands of any Perſon or Perſons indebted to the Perſon ſo abſconding, to and for the Uſe of the Complainant, as he might have done on any other Part of his Eſtate: And ſhall ſummon ſuch Garniſhee or Garniſhees to appear at the next Court to be held for the ſaid County, there to teſtify, on Oath, what he or ſhe is indebted to ſuch Perſon. And ſuch County Court, in all ſuch Caſes, upon Examination, as aforeſaid, without other Proceſs, ſhall enter up Judgment, and award Execution thereupon, for the Complainant, againſt all and every ſuch Garniſhee and Garniſhees, for all ſuch Sums of Money or Tobacco that ſhall appear to them to be juſtly, and *bonâ fide*, due from him or them to the Perſon abſconding or concealed, or for ſo much thereof, as ſhall be of Value ſufficient to ſatisfy the juſt Debt and Coſts of the Complainant. Any Law, Cuſtom, or Uſage, notwithſtanding. *Ann.* 1738 Cap. 13. App. III. *Pag.* 34.

LXXXIV. After the Twenty Fifth Day of *March* next, the Court of *Accomack* County ſhall be held on the laſt *Tueſday* in every Month: And the Court of *Amelia* County ſhall be held on the third *Friday* in every Month.

MILITIA.

§ XXVII. 12 *Geo.* 2. *cap.* 2. From and after the Publication of this Act, the Colonel, or chief Officer of the Militia in every County, ſhall liſt all free Male Perſons, above the Age of Twenty One Years, under the Command of ſuch Captains as he ſhall think fit. *Ann.* 1738 Cap. 2. App. III. *Pag.* 6.

Ann. 1738 Cap. 2. App. III. *Page 6.*

XXVIII. No Perſon being, or that has been, of His Majeſty's Council, Speaker of the Houſe of Burgeſſes, Secretary, Receiver General, Auditor, Judge of the Court of Vice-Admiralty, Attorney General, Clerk of the Council, Clerk of the Houſe of Burgeſſes, Clerk of the Secretary's Office, Juſtice of the Peace, Clerk of any County Court, or any Perſon that hath born any Military Commiſſion, as high as that of a Captain, or any of the People called Quakers, ſhall be obliged to a perſonal Attendance at Muſters: Yet all the Perſons aforeſaid, ſhall ſend one able-bodied Man, not being a Convict, or Man and Horſe armed and accoutred, according to the Directions of this Act, conſtantly to appear and exerciſe at Muſters.

XXIX. *Provided alſo*, Nothing herein ſhall impower any Colonel, or chief Officer of the Militia, to liſt any Miniſter of the Church of *England*, the Preſident, Maſters, Profeſſors, or Students, of the College of *William* and *Mary*, while ſuch; any Overſeer reſiding on the Plantation, where the Slaves under his Care are worked; any Miller having the Charge and Keeping of any Mill; or the Founders, Keepers, or other Perſons emploied in or about any Iron, Copper, or Lead Work, or any other Mine, while ſo emploied, who are hereby exempted from being any ways concerned in the Militia.

XXX. Every Perſon, ſo as aforeſaid liſted, (except free Mulattos, Negros, and Indians) and placed or ranked in Horſe or Foot, ſhall be armed and accoutred, as follows: Every Horſeman furniſhed with a ſerviceable Horſe, a good Saddle with Breaſt-plate, Crupper, Curb Bridle, Carbine, or Fuzee and Bucket, Holſters, a Caſe of Piſtols, cutting Sword or Cutlaſs, double Cartouch Box, and Six Charges of Powder, and conſtantly ſhall appear with the ſame at Muſter; and ſhall keep at his Place of Abode One Pound of Powder and Four Pounds of Ball, and bring the ſame into the Field with him when required. And every Footman ſhall be furniſhed with a Firelock, Musket, or Fuzee, well fixed, a Bayonet fitted to the ſame, or a cutting Sword or Cutlaſs, a Cartouch Box, and Three Charges of Powder, and appear with the ſame at Muſter; and ſhall alſo keep at his Houſe, One Pound of Powder and Four Pounds of Ball, and bring the ſame into the Field, when required. *Pag.* 7.

XXXI. Such free Mulattos, Negroes, or Indians, as ſhall be liſted, ſhall appear without Arms, and may be employed as Drummers, Trumpeters, or Pioneers, or in ſuch

ſuch other ſervile Labour, as they ſhall be directed to perform. *Ann.* 1738 Cap. 2. Vol. II. *Pag.* 7.

XXXII. Every Captain, once in Three Months, or oftner, if required, ſhall muſter and exerci e his Troop or Company: And the County Lieutenant, Colonel, or chief commanding Officer, in every County, ſhall ca ſe a general Muſter and Exerciſe of all the Troops and Companies in his County in *September*, Yearly. And if any Soldier, while in Arms at a general Muſter, ſhall refuſe to perform the Commands of his Officer, or behave himſelf refractorily or mutinouſly, the chief commanding Officer then preſent, may cauſe ſuch Offender to be tied Neck and Heels, for any Time, not exceeding Five Minutes; and for a ſecond Offence at ſuch general Muſter, the Offender ſhall be puniſhed by the Sentence of the Majority of the Field Officers and Captains then preſent; who may, by a Warrant under their Hands, commit him to the County Goal, for any Time, not exceeding Ten Days. And if any Soldier, while in Arms at any private Muſter, ſhall misbehave, as aforeſaid, he ſhall be puniſhed by any Field Officer then preſent; or if no ſuch preſent, by the Sentence of the Majority of the Commiſſion Officers preſent: Which Field Officer, or Commiſſion Officer, may cauſe ſuch Offender to be tied Neck and Heels, any Time, not exceeding Five Minutes; and for the ſecond Offence, the Majority of Commiſſion Officers then preſent, may, by Warrant under their Hands, commit ſuch Offender to the County Goal, for any Time, not exceeding Ten Days: And in either Caſe of Commitment, the Offender ſhall not be diſcharged, until the lawful Fees for Commitment, Impriſonment, and Diſcharge, be fully ſatisfied and paid. And every Captain, and in his Abſence, the Lieutenant, ſhall make a Liſt upon his Muſter Roll of all the Perſons ſummoned and not appearing at any of the ſaid Muſters armed and accoutred, as by this Act directed; and return the ſame, with the Names of all Officers abſent, to the Court-Martial to which he belongs. And every Captain may appoint a Clerk to his Troop or Company, who ſhall keep the Muſter Rolls, and attend all Muſters with the ſame; and ſuch Clerk ſhall be exempted from appearing in Arms at all ſuch Muſters.

XXXIII. And further, the chief Officer of the Militia in every County, may order all Perſons liſted therein, to go armed to their reſpective Pariſh Churches; and ſome Time, before the Tenth of *June*, Yearly, to ap-

Ann 1738 Cap. 2. App. III. *Pag.* 7. point an Officer and Four Men of the Militia, at ſuch Times and Seaſons as he ſhall think proper, to patrol and viſit all Negro Quarters and all other Places ſuſpected of entertaining unlawful Aſſemblies of Slaves, Servants, or other diſorderly Perſons; and ſuch Patrollers may take up any ſuch Slaves, Servants, or diſorderly Perſons, ſo unlawfully aſſembled, or any other ſtrolling about from one Plantation to another, without a Paſs from his or her Maſter, Miſtreſs, or Overſeer, and carry them before the next Juſtice, who is to order every ſuch Slave, Servant, Stroller, or other diſorderly Perſon, any Number, not exceeding Twenty Laſhes on the bare Back, well laid on. And if one Company of Patrollers is not ſufficient, to order more Companies, conſiſting of the ſame Number. And ſuch Patrollers ſhall be exempted from Attendance at private Muſters, and from Paiment of all Public, County, and Pariſh Levies, for their own Perſons, thoſe Years in which they ſhall be emploied in that Service.

Pag. 8.

XXXIV. The Field Officers and Captains of every County, or the major Part of them, whereof the County Lieutenant, Colonel, Lieutenant-Colonel, or Major, ſhall be one, ſhall meet at the County Court-houſe, on the Day next following the general Muſter, to hold a Court-Martial; which Court may adjourn from Day to Day, and enquire of the Age and Abilities of all Perſons liſted, and exempt ſuch as they ſhall judge incapable of Service; and of all Delinquents returned by the Captains for Abſence from Muſters, or appearing without Arms and Accoutrements; and may order the Fines inflicted by this Act, and not otherwiſe directed, to be levied on all Delinquents who ſhall not make out ſome juſt Excuſe for not performing their Duty; and may order and diſpoſe of all ſuch Fines, in the firſt Place, for buying Drums, Trumpets, and Trophies, for the Uſe of the Troop or Company from whence the ſame ariſe, and afterwards for ſupplying the Militia with Arms. And the ſaid Court ſhall keep a Regiſter of all their Proceedings; and for that Purpoſe appoint a Clerk, and allow him ſuch Salary out of the ſaid Fines, as they ſhall think reaſonable. And after holding every ſuch Court, the Clerk ſhall make out Copies of all their Orders, and deliver the ſame within One Month next after the ſaid Court to the Sheriff of the County, who ſhall demand and receive the Money or Tobacco therein charged, of the Perſons made chargeable therewith: And in Caſe of Non-paiment on or before the Tenth Day of *April* next following, ſhall levy the

ſame

ſame by Diſtreſs and Sale of the Goods of the Party refuſing, according to the Directions of the Laws in Force, enabling the Sale of Goods diſtrained for Rent. Jam. 1738 Cap. 2. App. III. Pag. 8.

XXXV. The Lieutenant of every County, or in Caſe of his Abſence or Non-Reſidence in the County, the chief commanding Officer there reſiding, failing to appoint a general Muſter in *September*, Yearly, ſhall pay Ten Pounds for every Failure; to be recovered, with Coſts, by Action of Debt, or Information, in any Court of Record here: One Moiety to the King, &c. for better ſupplying the County with Arms; and the other Moiety to the Informer. Every Colonel, Lieutenant-Colonel, or Major, failing to appear at ſuch general Muſter or Court-Martial, ſhall pay Forty Shillings. Every Captain failing to muſter his Troop or Company, Four Times a Year, ſhall pay Twelve Shillings for every Failure: And every Captain failing to appear at the Court-Martial or general Muſter, ſhall pay Twenty Shillings. Every Lieutenant not appearing at Muſter, Ten Shillings each Failure. Every Cornet or Enſign, Seven Shillings and Six Pence. Every Captain, or in his Abſence, the next commanding Officer, failing to return a Liſt of the Perſons not appearing at Muſters, or appearing without Arms or Accoutrements, Fifty Shillings. Every Soldier refuſing to ſerve as a Serjeant, Corporal, Drummer, or Trumpeter, upon Appointment of his Captain, Fifty Shillings, or Five Hundred Pounds of Tobacco, at his Election; but ſhall only be fined once for ſuch Refuſal. Every Perſon liſted to ſerve in the Horſe, Seven Shillings and Six Pence, or Seventy Five Pounds of Tobacco. And every Perſon liſted in the Foot, Five Shillings, or Fifty Pounds of Tobacco, at their Election, for not appearing at Muſter, compleatly armed and accoutred; ſo that no Perſon be fined above Five Times a Year for ſuch Failure. And every Clerk of a Court Martial failing to deliver the Orders of the Court to the Sheriff of the County, within the Time herein before limited, ſhall forfeit all his Salary, as Clerk, for that Year. Pag. 9.

XXXVI. *Provided*, Eighteen Months be allowed to each Soldier to provide Arms and Ammunition, according to this Act; and that no Soldier be fined for appearing without, or not having the ſame at his Place of Abode, until he hath been liſted Eighteen Months after paſſing this Act. Any thing herein, notwithſtanding; ſo as every ſuch Soldier, during the ſaid Eighteen Months, appear at all Muſters with ſuch Arms as he is already provided with.

Ann. 1738 Cap. 2. App III. *Pag.* 9. XXXVII. The Furniture, Arms, and Ammunition provided and kept, in Purſuance of this Act, ſhall be always exempted from being impreſſed on any Account, and from being ſeiſed by any Manner of Diſtreſs, Attachment, or Writ of Execution. And every ſuch Diſtreſs, Attachment, or Execution, ſhall be void: And the Officer or Perſon making or ſerving the ſame, be liable to the Suit of the Party grieved; wherein double Damages ſhall be given upon a Recovery.

XXXVIII. Every Perſon exempted from perſonal Appearance only, failing to ſend an able bodied Man, or Man and Horſe, as the Caſe ſhall be, in his Room, ſhall pay the ſame Fine, as inflicted for not appearing at Muſters. And every Perſon failing to go to Church armed, upon Order, Five Shillings. And every Perſon order'd to patrol, and failing, (to be certified to the Court-Martial by the Officer of ſuch Patrol,) Ten Shillings for every Failure. And every Perſon going to, attending at, or returning from Muſter, ſhall be exempted from Arreſts, and being ſerved with any other Proceſs in any civil Action or Suit.

Pag. 10. XXXIX. Every exempted Overſeer or Miller appearing at any Muſter, or in any Muſter Field, on the Day appointed for Muſter, ſhall, for every ſuch Offence, forfeit and pay Ten Shillings; to be aſſeſſed upon him by the next Court-Martial, upon Certificate of the Captain, or chief Officer preſent at ſuch Muſter: To be levied, accounted for, and appropriated, in the ſame Manner, as the other Fines ſet by the Court-Martial.

XL. Any Sheriff refuſing to receive the Orders of the Court-Martial offer'd to him, by Virtue of this Act, or to collect and levy the Fines therein mentioned, upon a Motion and Complaint thereof made to the County Court, or General Court, ſhall, for ſuch Refuſal, be fined Fifty Pounds Current Money; to be appropriated, in the ſame Manner, as the other Fines laſt mentioned. And any Sheriff taking upon him ſuch Collection, or receiving the ſaid Orders, and failing to account for, and pay what he ſhall have received, by Virtue thereof, to the Receiver for that Purpoſe to be appointed by the Court-Martial, deducting Ten *per Cent.* only for his Trouble in collecting and receiving, upon a Motion or Complaint made againſt him by the ſaid Receiver, or the commanding Officer of the Militia, to the County Court, or General Court; ſuch Court ſhall give Judgment, and award Execution againſt him, for the ſame.

XLI.

XLI. Every Commiſſion Officer in the Militia, before he acts under the ſame, ſhall, in the Court of his County, take the Oaths appointed by Law, and ſubſcribe the Teſt. And every County Lieutenant, Colonel, Lieutenant-Colonel, Major, and Captain, at every Court-Martial, ſhall take the following Oath; to be firſt taken by the preſiding Officer then preſent, and by him adminiſtred to the reſt. *Ann.* 1738 Cap. 2 App. III. Pag. 10.

I A. B. *do ſwear, That I will do equal Right and Juſtice to all Men, according to the Act of Aſſembly*, For the better Regulation of the Militia.

XLII. The Adjutant-General, for the Time being, with one Servant, and their Horſes, ſhall be exempt from Paiment of Ferriages at all Ferries in this Colony: And the Ferry-keeper ſhall give him, his Servant, and Horſes, immediate Paſſage, as in Caſe of Public Expreſſes.

XLIII. All other Acts, *&c.* relating to any Thing within the Purview of this Act, repealed.

XLIV. *Provided*, Nothing herein ſhall extend to oblige the Inhabitants of *Williamsburg*, to muſter or ſerve in the Militia out of the ſaid City: But they ſhall be liſted and trained, as directed by 9 *Geo.* 1. *cap.* 10. (which ſee *Tit. Williamsburg.* Sect. 33.) Any thing herein, notwithſtanding.

PEDLARS.

§ I. From and after the Firſt Day of *May* next, no Pedlar, or other Perſon, going from Place to Place, or to other Mens Houſes, and carrying to ſell, or expoſing to Sale, any Goods, Wares, or Merchandizes, ſhall ſell or diſpoſe thereof, in any Manner, without a Licenſe for ſo doing, to be obtained, as follows: If he be an Inhabitant of this Colony, ſuch Licenſe ſhall be granted by the Court of the County where his Habitation, or uſual Place of Reſidence is; and if an Inhabitant of any other Country, then by the Court of that County into which he ſhall firſt come upon his Arrival into this Colony: Which Licenſes the County Courts may grant, or refuſe, at Diſcretion. And every Licenſe ſo granted, ſhall be ſigned by the Clerk of the Court granting the ſame. *Ann.* 1738 Cap. 11. App. III. Pag. 30.

II. *Provided*, No ſuch Licenſe ſhall be granted for longer Time than One Year. And the Perſon to whom the ſame is granted, ſhall firſt enter into Bond, with one Pag. 31.

good

Ann. 1738 Cap. 11. App III. *Pag.* 31. good Security, to the King, his Heirs, and Succeſſors, in the Penalty of Twenty Pounds, with Condition, that he will not export, or cauſe to be exported, with his Privity or Knowledge, any Skins or Furs, by Land or Water, without firſt paying the Duties thereon impoſed, by 4 *Ann. cap.* 29. (*See Duties.* Sect. 1.) Which Bond ſhall be lodged in the Clerk's Office of the County where given.

III. *Provided alſo*, Before granting ſuch Licenſe, there ſhall be paid, by the Perſon deſiring the ſame, Ten Shillings for the Uſe of the Governor, or Commander in Chief, for the Time being, and Five Shillings to the Clerk, for writing the Bond and Licenſes, and no other Fees whatſoever.

IV. For encouraging Proſecutions for the Breach of any ſuch Bond, one Moiety of the Penalty ſhall be to His Majeſty, his Heirs and Succeſſors, for the better Support of the College of *William* and *Mary*, in *Virginia*; and the other Moiety to any Perſon making Information of any ſuch Breach: To be recovered, in the Name of His Majeſty, his Heirs, *&c.* by Action of Debt, in any Court of Record here. And every County Court Clerk ſhall, in *April*, and *October*, Yearly, tranſmit to the Secretary's Office, a Liſt of all Bonds entred into, in Purſuance of this Act, and of all Recoveries or Judgments had or given on Seiſures; or for Breach of ſuch Bonds, if any ſhall happen to be.

V. If any Pedlar, or other Perſon, as aforeſaid, after the ſaid Firſt Day of *May*, be found travelling and trading, without ſuch Licenſe, he ſhall forfeit and pay, for every ſeveral dealing or trading, Twenty Shillings, to the Uſe of the Informer: To be recovered, with Coſts, before any Juſtice of this Colony. And after Conviction, upon Refuſal or Delay to make preſent Paiment of the ſaid Penalty and Coſts, in Money, or Goods to the Value, in ſuch Juſtice's Judgment; the ſaid Juſtice may order him Twenty Laſhes on the bare Back, well laid on: And he ſhall, from thenceforth, be diſcharged from the Paiment of the ſaid Penalty for that Time. And any Pedlar, or other Perſon trading, as aforeſaid, refuſing to produce and ſhew his Licenſe, upon Demand made by any Inhabitant of this Colony, ſhall, for every ſuch Refuſal, forfeit and pay Five Shillings to the Informer: To be recovered before any Juſtice.

Warrant 189.

Warrant 190.

Pag. 32. VI. The Governor, or Commander in Chief, for the Time being, with Advice of the Council, ſhall and may appoint

appoint one or more Collector or Collectors of the Duties upon Skins and Furs exported by Land who ſhall reſide near the Frontiers of this Colony, who ſhall be allowed a Salary of Ten in the Hundred, for receiving the ſaid Duties; and ſhall account for the ſame in ſuch Manner, as other Collectors of the ſaid Duties. And if any Pedlar, or other Perſon, be found travelling towards any other Colony, with any Skins or Furs, beyond the Place where ſuch Collector or Collectors uſually reſide, and on Demand made by any Inhabitant of this Colony, refuſes to produce and ſhew a Certificate, that the Duties of the ſaid Skins and Furs have been paid; ſuch Skins and Furs ſhall and may be ſeiſed by any Perſon, who ſhall immediately carry them to the next Juſtice, who ſhall receive the ſame. And if the Owner or Proprietor thereof, ſhall not, within Two Months after ſuch Seiſure, make ſufficient Proof, before ſuch Juſtice, or the Court of the County where ſuch Seiſure is made, that he has paid the Duties for ſuch Skins and Furs, the ſame are hereby declared forfeited, and ſhall be ſold, by Order of the ſaid County Court, to the higheſt Bidder: And one Half of the Money ariſing by ſuch Sale, after Charges deducted, ſhall be to His Majeſty, his Heirs, *&c.* for the better Support of the ſaid College of *William* and *Mary*; and the other Half to the Perſon who ſhall ſeiſe the ſame. And if the Owner or Proprietor of ſuch Skins or Furs, ſhall, within the Time aforeſaid, make due Proof, before the ſaid Juſtice, or Court, that the Duties for the ſame have been duly paid; the ſaid Juſtice ſhall deliver the ſame to him, on paying down Ten Shillings to the Perſon who ſeiſed the ſame, as aforeſaid. *Ann.* 1738 Cap 11. App. III. Pag. 32.

VII. *Provided*, Nothing in this Act ſhall extend to any Inhabitant of this Colony, trading only in Beef or Pork, or carrying any Goods or Commodities of the Growth or Manufacture of this Colony, to any Place, for ſelling the ſame: But every ſuch Inhabitant may carry and ſell ſuch Goods and Commodities, as if this Act had never been made.

TITHABLES.

§ VIII. 12 *Geo.* 2 *cap.* 8. Any Maſter or Miſtreſs of a Family, or in his or her Abſence or Non-reſidence at the Plantation, his or her Attorney or Overſeer, who ſhall, ſome ſmall [illegible] before the Ninth of *June* Yearly, remove his or her Tithables from one Plantation to another; *Ann.* 1738 Cap. 8. App. III. Pag. 18.

Ann. 1738 Cap. 8. App. III. *Page* 18.

ther, in another County or Parish, with Intent to avoid the Paiment of Levies in the County or Parish from whence they were so removed; and shall afterwards cause the same, or other Tithables in their Room, to return to the Plantation from whence they were so removed, as aforesaid, shall be adjudged a Concealer of the Tithables so removed, and be liable to the Penalties and Forfeitures inflicted, by the Act of 4 *Ann. cap.* 7. (Sect. 4.) or by this Act, *for concealing Tithables.* And one Moiety only of the Penalty by the said Act of 4 *Ann.* shall be to the Informer; and the other Moiety shall go to the Churchwardens of the Parish where the Offence is committed. Any Thing in the said Act, or any other, notwithstanding.

IX. All Mariners and Seafaring Persons, not being Freeholders, commonly employed in Navigation, and who actually pay towards the Support of *Greenwich* Hospital out of their Wages, shall be exempted from listing as Tithables, or paying any Public, County, or Parish Levy. Any Law, Usage, or Custom, notwithstanding.

TOBACCO.

Ann. 1738 Cap. 1. App. III. *Pag.* 2.

§ CLXIII. 12 *Geo.* 2 *cap.* 1. From and after the last Day of *July* next, all Inspectors shall be appointed in the following Manner: The Justices of every County Court, where any public Warehouse is, or shall be established, shall, Annually, at the Court held in *August*, or *September*, recommend, in Writing, to the Governor, or Commander in Chief, for the Time being, Four fit and able Persons, reputed skilful in Tobacco, for the Execution of the Office of Inspectors for every Inspection in the County. And where Public Warehouses are, or shall be appointed in several Counties under one Inspection, the Court of each County, shall, in like Manner, recommend Two such Persons for such Inspection; which Nomination the said Justices shall cause to be entered upon Record: And the Clerk of the Court shall forthwith transmit a Copy thereof to the Secretary's Office. And the Governor, or Commander in Chief, with Advice of the Council, out of the Persons so recommended, shall appoint Two for each Inspection. And if the Persons so appointed, or either of them, be recommended the next succeeding Year, it shall be a sufficient Appointment to him or them to continue in the said Office without a new Commission; and so from Year to Year, as long as they shall be so recommended. And upon the Death,

Death, Reſignation, or Removal of any Inſpector, the Governor, or Commander in Chief, ſhall appoint ſome other Perſon named in the laſt Recommendation from the County where the Vacancy happens, to ſucceed ſuch Inſpector. *Ann.* 1738 Cap. 1. App. III. Pag. 2.

CLXIV. *Provided*, No Juſtice, being an Inſpector, or recommended to be one, ſhall vote in any ſuch Recommendation: And no Inſpector, while ſuch, ſhall be Collector of his Majeſty's Quit-Rents, or of any Public, County, or Pariſh Levies, or any Officers Fees.

CLXV. *Provided alſo*, If any County Court fails to recommend as aforeſaid, the Governor or Commander in Chief, with Advice of the Council, ſhall, in Caſe of a Vacancy, appoint any Perſon he thinks fit to ſupply it.

CLXVI. *Provided nevertheleſs*, All Inſpectors in Office at the Time of the firſt Nomination, and recommended as aforeſaid, ſhall be continued in the ſaid Office, if they think fit, ſo long as they well behave themſelves therein.

CLXVII. Every Inſpector, before he executes the ſaid Office, ſhall make Oath, and give Bond and Security, purſuant to 3 & 4 *Geo.* 2 *cap.* 3. (Sect. 74.) And all Inſpectors ſhall conſtantly attend their Duty at the Inſpection under their Charge, from the Tenth Day of *November* to the laſt Day of *June* Yearly, (except *Sundays*, and the Holy Days obſerved at *Chriſtmas*, *Eaſter*, and *Whitſuntide*, or when hindered by Sickneſs,) and after, they or one of them ſhall conſtantly attend at the ſame (except on *Sundays*,) to deliver out Tobacco for Exportation, 'till all the Tobacco remaining there the ſaid laſt Day of *June* ſhall be ſo delivered. And every Inſpector neglecting to attend as aforeſaid, ſhall forfeit and pay to the Party grieved, Five Shillings for every Neglect: To be recovered, with Coſts, before any Juſtice in the County where ſuch Inſpection ſhall be; or ſhall be liable to the Action upon the Caſe of the ſaid Party, to recover all Damages ſuſtained by Occaſion of ſuch Neglect, with full Coſts, at ſuch Party's Election. Pag. 3. Warrant 191.

CLXVIII. The Inſpectors of every Inſpection ſhall keep a juſt Account of all Tobacco gained upon the Allowances made for Cask or Shrinkage of all Transfer Tobacco, and exhibit the ſame, upon Oath, to the Court of the County where ſuch Inſpection is, in *September* Yearly, if a Court be then held; otherwiſe, to ſome Juſtice of the ſaid County; who ſhall return the ſame to the next ſucceeding Court. And the ſaid Inſpectors having

Ann. 1738. Cap. 1. App. III. Pag. 3. exhibited ſuch Account, and made Oath, as aforeſaid, ſhall, by public Auction, at the Court Door of the ſaid County, on the Court Day in *September*, aforeſaid, ſell all ſuch Tobacco gained, as aforeſaid, for the beſt Price can be got for the ſame, in Money; for which they ſhall account to the Treaſurer, for the Time being, in their next Account with him; and he ſhall account for the ſame to the General Aſſembly. And no Inſpectors ſhall hereafter convert any ſuch Tobacco to their own Uſe.

CLXIX. The Inſpectors ſhall make every Hogſhead of Transfer Tobacco, by them paid away, Eight Hundred and Fifty Pounds Nett, if the Notes produced by the Party receiving the ſame amount to ſo much, after Allowance for Cask and Shrinkage deducted: And ſhall, when required by any Perſon entitled to receive any Hogſhead of Crop Tobacco at their Inſpection under Eight Hundred and Fifty Pounds Nett, prize the ſame, to make it up that Weight, ſuch Perſon finding the Tobacco, and paying the ſame Fee, as for paſſing and ſtamping Transfer Tobacco. And in all Transfer Notes delivered out, the Inſpectors ſhall diſtinguiſh whether the Tobacco be Leaf, or Stemmed.

CLXX. All Inſpectors, Sheriffs, Under-Sheriffs, and Conſtables, in Office the Firſt Day of *February* next, ſhall, at the Firſt or Second Court of their reſpective Counties after, take an Oath:

THAT if they ſhall at any Time know, or be credibly informed, or have good Grounds to ſuſpect, that any Tobacco is preſſed or packed in any Cask, Cheſt, Caſe, or other Package whatſoever; or any Tobacco is put on board any Boat or Veſſel, in order to be ſhipped off, without being inſpected; or that any Tobacco is carrying or carried out of this Colony into Carolina, *or* Maryland, *without a Permit for ſo doing, they will forthwith make Information to the next Juſtice of the Peace of the County where ſuch Tobacco ſhall be.*

Pag. 4. CLXXI. And all the ſaid Officers reſpectively, which ſhall hereafter be appointed or ſworn into the ſaid Offices ſhall, at the Time of their being ſo ſworn, take the ſame Oath, and obtain a Certificate thereof: And every ſuch Officer failing ſo to do, ſhall forfeit Five Pounds Current Money to the Informer: To be recovered, with Coſts, by Action of Debt, or Information, in any Court of Record. And if any Juſtice ſhall know, or be informed by any

any of the ſaid Officers, or any other Perſon, upon Oath, of any ſuch Tobacco ſo preſſed or packed; ſuch Juſtice, or by his Warrant, any Sheriff, Under-Sheriff, or Conſtable, within the Limits of his County, may and ſhall enter any ſuſpected Houſe, and break open all Doors, by Night or Day, to ſearch for the ſame; and finding any Tobacco preſſed in any Cask, Cheſt, or Caſe, that ſhall not contain Two Hundred Pounds of Nett Tobacco; or any other Package, made up in Linen Cords or Spun-yarn, of any Weight whatſoever; ſuch Juſtice, Sheriff, Under-Sheriff, or Conſtable, ſhall ſeiſe and deſtroy the ſame: And the Perſon, in whoſe Poſſeſſion ſuch Tobacco ſhall be found, ſhall forfeit to the Informer Ten Shillings Current Money for every Hundred Pounds Weight, and ſo in Proportion for a leſs Quantity: To be recovered, with Coſts, in any Court of Record, if Twenty Five Shillings Current Money, or more; or if under, before any Juſtice of the County where the Fact is committed; and ſuch Juſtice ſhall iſſue an Execution againſt the Body or Goods of the Offender. And any Juſtice, Sheriff, Under-Sheriff, or Conſtable, ſued for doing any thing in Execution of this Act, may plead the General Iſſue and give this Act in Evidence; and ſhall recover double Coſts, if the Plaintiff be Non-ſuit, or Judgment paſs againſt him, upon a Verdict, or Demurrer. *Inn.* 1738 Cap. 1. App. III. *Pag.* 4.

CLXXII. If any Inſpector be removed from his Office, upon a Complaint and Proſecution againſt him, in the Method preſcribed by 8 *Geo.* 2. *cap.* 1. (Sect. 139.) he ſhall be liable to the Action on the Caſe of the Proſecutor, for his neceſſary Coſts and Expences in ſuch Proſecution; in which the Proſecutor ſhall alſo recover his full Coſts of Suit.

CLXXIII. From and after the Tenth Day of *November* laſt, the Rents of the following Public Warehouſes ſhall be raiſed and ſettled at the Rates following:

	per Ann. *l.*	*s.*		*per Ann.* *l.*	*s.*
Conway's,	17	00	*Urbanna*,	7	10
Meriwether's,	17	00	*Sleepy-Hole*,	13	00
Gray's Creek,	12	00	*Appamattox*,	27	00
Mattox,	14	00	*Gibſon's*,	21	00
Fredericksburg,	35	00	*Soans's*,	15	00
Warwick,	28	00	*Hunting-Creek*,	8	00
Roy's,	20	00	*Conſtance's*,	14	00
Acquia,	19	00	*Lawrence's*,	18	00
Bray's,	15	00			

Pag. 5.

Ann. 1738. Cap. 1. App. II. *Pag.* 5.

And new Public Warehouſes ſhall be erected at the following Places: On the old Plantation of *Thomas Hayes*, deceaſed, on the Eaſt Side of *Eaſtermoſt* River, in *Glocester*, at the Rent of Ten Pounds *per Annum*; and Inſpector's Salary Thirty Pounds each. On the Land of *Rodham Kenner*, oppoſite to the Warehouſe at *Coan*, and under the ſame Inſpection, at the Rent of Five Pounds *per Annum*. That the Public Warehouſe at *Taskanask* be diſcontinued; and inſtead thereof, One erected at the *Brick Houſe*, at Seven Pounds Rent *per Annum*, under the ſame Inſpection as *Hog-Neck*. And the Warehouſe lately appointed on Captain *Barber*'s Land, be alſo diſcontinued; and another eſtabliſhed inſtead thereof, at *Totaskey* Ferry, at the Rent of Six Pounds *per Annum*, under the ſame Inſpection as the Warehouſe on the other Side of the Creek. And the Salary of each Inſpector at *Gibſon*'s, be increaſed Five Pounds *per Annum*: And of each Inſpector at *Fredericksburg*, Twenty Pounds *per Annum*.

CLXXIV. Where any public Warehouſe has been appointed upon any River or Creek, ſo near the Water ſide, that the Tobacco brought thither, may be in Danger of being deſtroyed, by the over-flowing of ſuch River or Creek; the Courts of the ſeveral Counties, where ſuch Warehouſes are, ſhall and may, when it's neceſſary, build more or other Houſes, in the Room of thoſe gone to Decay, and appoint the Warehouſes ſo to be built, to be erected at ſome more convenient Place, upon the Land of the Owner or Owners of the firſt built Houſes: But if ſuch Owner has no Land where ſuch Houſe or Houſes may be built, and the Tobacco ſecured from ſuch Accidents, then ſuch Courts ſhall direct them to be built on the Land of any other Perſon.

CLXXV. Where any Perſon, chargeable with any Officers Fees, lives in another County than where the Service is performed, or the Fees become due, ſuch Allowance ſhall be made, as by Law is ſettled in that County where the Service is performed, or the Fees become due. Any Law, Uſage, or Cuſtom, notwithſtanding.

CLXXVI. This Act ſhall commence immediately from its paſſing, and together with the Four Acts of 3 & 4 *Geo.* 2 *cap.* 3. (Sect. 44.) 5 & 6 *Geo.* 2 *cap.* 9. (Sect. 95.) 8 *Geo.* 2. *cap.* 1. (Sect. 118.) and 10 *Geo.* 2. *cap.* 5. (Sect. 149.) for ſo much of the ſame as is not repealed or altered, ſhall continue in Force till the Ninth Day of *November*, One Thouſand Seven Hundred and Thirty

Thirty Nine, and from thence for Three Years next following, and no longer. *Ann.* 1738 Cap. 15. App. III. *Pag.* 31.

TREASURER.

§ XXXIII. 12 *Geo.* 2. *cap.* 15. From and after the End of this Seſſion of Aſſembly, *John Robinſon*, the younger, Eſq; ſhall be Treaſurer of the Revenue ariſing from the Duty upon Liquors and Slaves, laid and impoſed by 12 *Geo.* 1. *cap.* 1. (*Duties*, Sect. 5.) 5 & 6 *Geo.* 2. *cap.* 2. (*Duties*, Sect. 21.) and 5 & 6 *Geo.* 2 *cap.* 3. (*Duties*, Sect. 38.) to hold the ſaid Office ſo long as he continues Speaker of the Houſe of Burgeſſes, and afterwards, until the End of the next Seſſion of Aſſembly. And he is authorized and required to demand, receive, and take of, and from the ſeveral Collectors of the ſaid Duties, all Sums of Money, ariſing by Virtue of the ſaid Acts: And to demand and receive of the Executors of Sir *John Randolph*, deceaſed, (late Treaſurer) and of *Richard Randolph*, Eſq; (who was appointed Treaſurer after the Death of the ſaid Sir *John Randolph*,) his Executors and Adminiſtrators, all ſuch Sums of Money as they, or either of them have received, on Account of the ſaid Duties, or otherwiſe, as Treaſurers of *Virginia*, and which ſhall be in the Hands of the ſaid *Richard Randolph*, or of the Executors of the ſaid Sir *John Randolph*, at the End of this Seſſion, and not otherwiſe appropriated by this preſent General Aſſembly; allowing the ſaid *Richard Randolph*, for his Trouble, in paying the Money ſo appropriated, One Hundred and Fifty Pounds: Which Money, as well as all other by him received in Virtue of his ſaid Office, the ſaid *John Robinſon* ſhall utter and apply to ſuch Uſes, and upon ſuch Warrants, as by the ſaid Acts for laying the ſaid Duties, or any other Act or Acts of General Aſſembly is or ſhall be directed and appointed; and ſhall be accountable for the ſame to the General Aſſembly.

XXXIV. The Salary of Four Pounds in the Hundred, and ſo proportionabley, ſhall be allowed to the ſaid Treaſurer, for all Money by him received and accounted for, as aforeſaid: And Fifty Pounds *per Annum*, for his Trouble and Service in auditing and ſettling the Inſpectors Accounts, during the Continuance of the Laws made in that Behalf.

XXXV. *Provided*, the ſaid *John Robinſon*, before he enters upon the ſaid Office, ſhall give ſufficient Security,

Ann. 1738 Cap. 15. App. III. *Pag.* 37.

rity, to be approved by the Governor, in the Sum of Five Thouſand Pounds, for anſwering and paying all Money by him to be received, as aforeſaid.

XXXVI. In Caſe of the Death, Reſignation, or Diſability of the Treaſurer hereby appointed, the Governor, or Commander in Chief, for the Time being, with Advice of the Council, may appoint ſome fit and able Perſon to be Treaſurer of the ſaid Duties; to hold the ſaid Office, with all the Powers, Authorities, Salaries, and Profits aforeſaid, until the End of the next Seſſion of Aſſembly.

Sundry

Sundry PRECEDENTS,

Adapted to the

Laws and Conſtitution of *Virginia*.

☞ Note, *Theſe Forms, mark'd with the Letters* A *to* R, *being proper for moſt or all of the following* Precedents, *are ſet down here, for the more convenient referring to them, and preventing the ſame Form being repeated in every ſeveral Precept.*

A. *A. B.* Gent. one of his Majeſty's Juſtices of the Peace, for the County of *S.* Begining

B. *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for the County of *S.* and one of the Judges of the ſaid County Court.

C. *A. B.* and *C. D.* Gent. two of his Majeſty's Juſtices of the Peace, for the County of *S.* whereof one is of the *Quorum.*

D. To the Sheriff of the ſaid County, Greeting. Direction.

E. To the Sheriff of the ſaid County, and all Under-ſheriſs, Conſtables, and other his Majeſty's Officers, within the ſaid County, Greeting.

F. To the Sheriff of the ſaid County, and all Under-ſheriſs, Conſtables, and other his Majeſty's Officers, within the ſaid County, or elſewhere, within the Colony of *Virginia*, Greeting.

G. To the Sheriff of the ſaid County, or Keeper of the ſaid County Goal, Greeting.

H. To the Sheriff of the ſaid County, and to the Keeper of the Public Goal in the City of *Williamsburg*, Greeting.

I. To all Sheriſs, Mayors, Bailifs, Conſtables, and Headboroughs, within the Colony and Dominion of *Virginia*, Greeting.

K. To *N. O.* Conſtable, Greeting.

L. To *N. O.* Conſtable, and all other Conſtables whom it may concern, Greeting.

M. To the Conſtables of the ſaid County, or either of them, Greeting.

Recital. N. Complaint being this Day made to me, *A. B.* Gent. one of his Majeſty's Juſtices of the Peace, for the County of *S*, by *E. F.* That, &c.

O. Complaint being this Day made to us, *A. B.* and *C. D.* Gent. two of his Majeſty's Juſtices of the Peace for the County of *S.* (whereof one is of the Quorum,) by *E. F.* That, &c.

Concluſion. P. Herein fail not. Given under my Hand, at *S.* County, the Day of 1739.

General Warrant. Q. Theſe are therefore, in his Majeſty's Name, to will and require you to bring the ſaid *G. H.* before me, or ſome other of his Majeſty's Juſtices of the Peace for the ſaid County, to anſwer the Premiſes. Herein fail not. Given under my Hand, this Day of 1739.

To *N. O.* Conſtable.

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140. *A Warrant to ſummon a Court for Examination of a Criminal.* See *Criminals*, Sect. 2.

A. B. Gent. &c. (*as* A.) To, &c. (*as* D.) Whereas *G. H.* of the ſaid County, Labourer, was this Day brought before me, and charged with, &c. (*mentioning the Fact*) which being a Crime, in my Judgment, triable only in the General Court of this Colony, the ſaid *G. H.* was by my Warrant committed to the Goal of the ſaid County: Theſe are therefore, in His Majeſty's Name, to will and require you to ſummon the Juſtices of the ſaid County, to meet at the Court-houſe, on the of this Inſtant, then and there to hold a Court, for the Examination of the ſaid *G. H.* touching the Crime aforeſaid: And have you there then this Warrant. Herein, &c. (*as* P.)

141. *A Warrant to attach one for Felony*, &c.

A. B. Gent. &c. (*as* A.) To, &c. (*as* E.) Whereas *E. F.* of the ſaid County, Planter, this Day made Oath before me, That, &c. (*mentioning the Complaint.*)

Theſe are therefore, in his Majeſty's Name, to will and require you, on Sight hereof, to attach the ſaid *G. H.* and him to bring before me, or ſome other of his Majeſty's Juſtices of the Peace for the ſaid County, to anſwer the Premiſes. Herein, &c. (*as* P.)

If it be neceſſary to raiſe Hue and Cry, it will be proper to deſcribe the Criminal's Perſon and Apparel as diſtinctly as may be, uſing the Direction (*as at* F.) inſtead of that at (E.) And after Recital of the Complaint, and making ſuch Deſcription, the Warrant may run thus:

Theſe

Theſe are therefore in His Majeſty's Name, to will and require you, and every of you, to make diligent Search, within your ſeveral Precincts, for the ſaid *G. H.* and alſo to make Hue and Cry after him from Place to Place, and from County to County; and that as well by Horſemen as Footmen. And if you ſhall find him, that then you carry him before ſome Juſtice of the Peace within the County where he ſhall be taken, to be dealt with according to Law. Herein, &c. (as *P.*)

142. *A Warrant to attach one for Suſpicion of Felony.*

A. B. Gent. &c. (as *A.*) To &c. (as *E.*) Foraſmuch as Complaint hath been this Day made to me, upon Oath, by *E. F.* That, &c. (*mentioning the Fact,*) and that he hath in Suſpicion, one *G. H.* of the ſaid County. Theſe are, &c. as in 141, to the End.

143. *A Warrant to ſearch for Stolen Goods.*

A. B. Gent. &c. (*as* A.) To, &c. (*as* E.) Whereas Complaint hath been this Day made to me by *E. F.* upon Oath, That, &c. (*mentioning the Fact,*) and that he hath in Suſpicion divers looſe and diſorderly Perſons in the ſaid County.

Theſe are in His Majeſty's Name, to will and require you immediately, upon Receipt hereof, to make diligent Search in all and every ſuch ſuſpected Places and Houſes within the ſaid County, as you and the ſaid Complainant ſhall think convenient; and, if upon ſuch Search, you find any of the ſaid Goods, or other juſt Cauſe of Suſpicion, that then you bring all ſuch ſuſpected Perſons as you ſhall find, before me, or ſome other of His Majeſty's Juſtices of the Peace for the ſaid County, to anſwer the Premiſſes. Herein, &c. (*as* P.)

145. *The Examination of a Felon.*

The Examination of *G. H.* of, &c. taken before me *A. B.* Gent. one of His Majeſty's Juſtices of the Peace for the County of *Stafford*, this Day of 1739.

This Examinant ſaith, That, &c. (*inſerting every Thing he confeſſes material to the Crime with which he is charged.*) Then conclude: And further this Examinant ſaith not.

Taken before me at *Stafford* County.

A. B.

146. *The Examination of Witneſſes againſt a Felon.*

The Examination of *I. K.* and *L. M.* of, &c. taken before me *A. B.* Gent. one of His Majeſty's Juſtices of the Peace for the County of *Stafford*, the Day of 1739, touching a Felony with which *G. H.* ſtands charg'd.

The ſaid *I. K.* being firſt ſworn upon the Holy Evangeliſts, and examined, depoſeth and ſaith, That, &c. And further ſaith not.

And ſo of the others.

Taken before me at *Stafford* County.

A. B.

147. *A Summons for Witneſſes againſt a Felon.*

A. B. Gent. &c. (*as* A.) To, &c. (*as* D. *or* K.) Theſe are, in His Majeſty's Name, to will and require you forthwith to ſummon *I. K.* and *L. M.* of, &c. perſonally to appear before me, at my Houſe, in the ſaid County, on *Monday* the Tenth Day of this Inſtant; then and there to teſtify, and the Truth to ſay, of and concerning a certain Felony wherewith *G. H.* of, &c. ſtands charg'd. And this they, or any of them, ſhall in nowiſe omit, at their Perils. And have you there then this Warrant. Given, &c.

148. *A Recognizance for Witneſſes Appearance, to teſtify againſt a Felon.*

MEMORANDUM, That on the Day of 1739. *L. M.* of *Stafford* County, Planter, came before me *A. B.* Gent. one of His Majeſty's Juſtices of the Peace for the ſaid County, and acknowledged himſelf to owe our Sovereign Lord King *GEORGE* the Second, Ten Pounds of lawful Money of *Virginia*, to be levied of his Goods and Chattels, Lands and Tenements, to the Uſe of our ſaid Lord the King, his Heirs and Succeſſors; on Condition, that if he ſhall perſonally appear before His Majeſty's Juſtices of the ſaid County, at the Court-houſe, on the Day of this Inſtant, at a Court to be then and there held for the Examination of *G. H.* touching a certain Felony wherewith he ſtands charged; and ſhall then and there teſtify and give Evidence againſt the ſaid *G. H.* and ſhall not depart without the Leave of the ſaid Court; then this Recognizance to be void.

Taken before me at *Stafford* County

A. B.

149. *A Mittimus of a Criminal to the County Goal.*

A. B. Gent. &c. (*as* A.) To &c. (*as* G.) I ſend you herewith the Body of *G. H.* late of, &c. this Day brought before me, and charged with, &c. (*mentioning the Crime, and that he confeſſed it, if the Caſe was ſo.*) Hereby commanding you, in His Majeſty's Name, to receive the ſaid *G. H.* and him ſafely to keep in your ſaid Goal, until he ſhall be thence delivered by due Courſe of Law; for which this ſhall be your Warrant. Given under my Hand and Seal, at *Stafford* County, the Day of 1739.

150. *A Mittimus of a Criminal to the Public Goal.* See *Criminals.* Sect. 2.

A. B. and *C. D.* Gent. &c. (*as* C.) To, &c. (*as* H.) Whereas at a Court held by His Majeſty's Juſtices of the ſaid County, the Day of this Inſtant, for the Examination of *G. H* late of, &c. who was committed to the Goal of the ſaid County, and charged with, &c. [*mentioning the Crime,*] it was the Opinion of the ſaid Court, That the ſaid *G. H.* for the ſaid Felony, ought to be removed, in order to be tried for the ſame at the General Court; and he was thereupon remanded to the ſaid County Goal, as appears to Us of Record. Therefore We command and require you the ſaid Sheriff, in his Majeſty's Name, as ſoon as conveniently may be, to remove the ſaid *G. H.* from the ſaid County Goal, to the Public Goal in *Williamsburg* aforeſaid, and deliver him to the Keeper of the ſaid Goal, together with this Warrant. And We hereby authorize and impower you the ſaid Sheriff, as well within the ſaid County of *Stafford*, as in all other Counties thro' which you ſhall have Occaſion to paſs with the ſaid *G. H.* to impreſs ſuch and ſo many Men, Horſes, Sloops, or Boats, as ſhall be neceſſary for the ſafe conveying the ſaid *G. H.* to the ſaid Public Goal, proceeding therein as the Law in ſuch Caſes directs; for which This ſhall be your ſufficient Warrant; hereby requiring all Perſons to yield due Obedience thereto. And We further command and require you, the Keeper of the ſaid Public Goal, to receive the ſaid *G. H.* and him ſafely keep in your ſaid Goal, until he be thence delivered by due Courſe of Law. Given under our Hands and Seals, at *Stafford* County the Day of 1739.

151. *Warrant to levy the Fine for Miſbehaviour at Church* &c. See *Diſturbers of Divine Service.* Sect. 1.

A. B. Gent. &c. (*as* A.) To, &c. (*as* D.) Whereas *G. H.* of, &c. did, on *Sunday* laſt, at *O.* Church, in the Pariſh of and County aforeſaid, diſturb *E. F.* Clerk; then,

and there exerciſing his Miniſterial Function, by unſeemly Words, (or otherwiſe, according to the Caſe) whereof he is convicted upon my own View and Record, (or as hath been duly proved before me) whereby he hath forfeited Two Hundred Pounds of Tobacco and Cask:

Theſe are therefore, in his Majeſty's Name, to will and require you to receive the ſaid Two Hundred Pounds of Tobacco and Cask, from the ſaid *G. H.* and on his Refuſal or Delay to pay the ſame, to levy it by Diſtreſs and Sale of the Goods and Chattels of the ſaid *G. H.* within your Bailiwic; and make Return how you have executed this Warrant. Given, *&c.*

If it be a ſecond Offence, add, after the Words (View, and Record, or proved before me) this Clauſe: And whereas the ſaid *G. H.* hath heretofore been convicted of the like Offence, as appears to me of Record: And then proceed as before; obſerving, inſtead of Two Hundred Pounds of Tobacco and Cask, to make it Five Hundred and Cask, being the Fine impoſed for the ſecond Offence.

152. *Warrant againſt one for killing, buying, or receiving Deer.* See *Deer*, Sect. 4.

COMPLAINT, *&c.* (*as* N.) That *G. H.* did, on or about the Day of this Inſtant, kill a Buck, Doe, or Fawn, *as the Caſe is*, contrary to the Act of General Aſſembly, in that Caſe made and provided.

Theſe are, *&c.* (*as* Q.)

The ſame may iſſue, *mutatis mutandis*, for buying or receiving Deer killed out of Seaſon; or againſt a Servant or Slave, for killing, buying, or receiving ſuch.

153. *Warrant to ſearch for Liquors, for which the Duty hath not been paid.* See *Duties*, Sect. 19. 35. *Treaſurer*, Sect. 21.

COMPLAINT, *&c.* (*as* N.) by *E. F.* Gent. one of the Collectors of the Duty upon Liquors, That divers Liquors liable to the ſaid Duty, have been clandeſtinely landed, without a due Entry thereof made, or the Duty for the ſame being paid or ſecured, contrary to the Act of General Aſſembly, in that Caſe made and provided:

Theſe are therefore, in his Majeſty's Name, to will and require you to aid and aſſiſt the ſaid *E. F.* in ſearching for the ſaid Liquors; and if Occaſion be, to break, in the Day Time, any Houſe, Warehouſe, or Storehouſe, to ſearch for, ſeize, and carry away ſuch Liquors, for which the ſaid Duty ſhall not have been paid, or ſecured: For which this ſhall be your ſufficient Warrant. Given, *&c.*

To, *&c.* (*as* K. *or* M.)

154. *Warrant.*

154. *Warrant to retake a Priſoner, eſcaping out of Execution.* See *Executions*, Sect. 31.

A. B. Gent. &c. (*as* B.) To, &c. (*as* I.) Complaint being this Day made to me, in Writing, and upon Oath, by *E. F.* of, &c. That *G. H.* of, &c. who was charged in Execution in the Goal of the ſaid County, (or within the Bounds of the Goal of the ſaid County) at the Suit of *I. K.* &c. (*Here mention the ſeveral Executions particularly*) did, on or about the Day of laſt paſt, eſcape out of the ſaid Goal, (or Priſon Bounds,) and is now going at large:

Theſe are therefore, in his Majeſty's Name, to will and require you, and every of you, in your reſpective Counties, Bailiwics, Cities, Towns, and Precincts, to ſeize and retake the ſaid *G. H.* and him ſo retaken, to commit to the Priſon where Debtors are uſually kept in the County where he is ſo retaken, and deliver him to the Keeper thereof, together with this Warrant: Hereby commanding and requiring the ſaid Keeper to receive the ſaid *G. H.* and him ſafely to keep in the ſaid Goal without Bail or Mainprize, until Satisfaction be made to the ſaid *I. K.* for the ſaid Debt and Coſts, or until he be thence delivered by due Courſe of Law; and to return this Warrant to the Court of the ſaid County of *S.* purſuant to the Act of General Aſſembly, in that Caſe, made and provided. Given, &c.

155. *Warrant to bring an inſolvent Debtor before the County Court, in order to be diſcharged.* See *Executions*, Sect. 33.

A. B. Gent. &c. (*as* B.) To, &c. (*as* D.) Whereas *G. H.* now lies in the Goal of the ſaid County, charged in Execution for Debt; and hath, by his Petition to me this Day, ſet forth, That he hath remained ſo charged for the Space of Twenty Days, and that he is inſolvent, and prays the Benefit of the Act of General Aſſembly, in that Caſe made and provided:

Theſe are therefore, in his Majeſty's Name, to will and require you to bring the ſaid *G. H.* before the Juſtices of the ſaid County, at the Court houſe at the next Court to be held for the ſaid County, with a Liſt of the ſeveral Executions with which the ſaid *G. H.* is charged in the ſaid Goal: For which this ſhall be your ſufficient Warrant. Herein, &c. (*as* P.)

156. *Certificate*

156. *Certificate for killing unmarked Hogs.* See *Hog-ſtealing*, Sect. 9.

E. F. of *Stafford* County, Planter, this Day made Oath before me *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for the ſaid County, That on the Day of laſt paſt, he did kill Two unmarked Hogs, ranging upon his own Land, (or on unpatented Land) being alone, (or in Company with his own Hogs, or of other unmarked Hogs, as the Caſe is.) Certified under my Hand this Day of 1739.

157. *Certificate for taking up a Stoned Horſe under the Standard.* See *Horſes and Mares*, Sect. 2.

E. F. of *Stafford* County, Planter, this Day brought before me *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for the ſaid County, one Stoned Horſe, (*deſcribing his Marks, Colour*, &c.) above Two Years old, and proved by his own Oath, and the Oath of *I. K.* of &c. that he did find the ſaid Horſe running at large upon his own Land, not fenced or incloſed, in *O.* Pariſh, in the ſaid County; whereupon I cauſed the ſaid Horſe to be meaſured, according to the Act of General Aſſembly, in that Caſe, made and provided; and it appeared he was no more than Thirteen Hands high from the loweſt Part of the Hoof of the Fore Foot to the higheſt Part of the Wither. Certified under my Hand, this, &c.

158. *Warrant to convey a Vagrant to the Place of his laſt Settlement.* See *Levies*, Sect. 15.

G. H. of middle Stature, aged about Years, being this Day brought before me *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for *Stafford* County, and appearing to be a Vagabond within the Deſcription of the Act of General Aſſembly, in that Caſe made and provided; upon his Examination confeſſed, that his Wife and Children inhabit (or that he did laſt reſide) in the Pariſh of *B.* in the County of *Y.* Theſe are therefore, in his Majeſty's Name, to will and require you to receive the ſaid *G. H.* into your Cuſtody, and him to convey from Conſtable to Conſtable, till he be conveyed to the ſaid Pariſh of *B.* in the ſaid County of *Y.* and there delivered to a Juſtice of the Peace within the ſaid Pariſh, to be dealt with according to Law. Herein, &c. (*as* P.)

To *N. O.* &c. (*as* L.)

159. *Warrant*

159. *Warrant to remove a poor Perſon to the Place of his laſt Settlement.* See *Levies*, Sect. 17.

COMPLAINT, &c. (*as* N.) by *C. D.* and *E. F.* Gent. Churchwardens of *O.* Pariſh, in the ſaid County, That *G. H.* a poor Perſon, like to become a Pariſh Charge, hath lately come into the ſaid Pariſh; and it appearing to me upon Examination, that the ſaid *G. H.* hath not obtained any legal Settlement in the ſaid Pariſh, but was laſt legally ſettled in the Pariſh of *P.* in the County of *N.* Theſe are therefore, in his Majeſty's Name, to will and require you the ſaid Churchwardens of the Pariſh of *O.* to cauſe the ſaid *G. H.* to be removed as ſoon as may be, to the ſaid Pariſh of *P.* in the County of *N.* Hereby commanding the Churchwardens of the ſaid Pariſh of *P.* to receive the ſaid *G. H.* and provide for him, purſuant to the Act of General Aſſembly, in that Caſe made and provided; as they will anſwer the contrary at their Perils. Given, &c.

160. *Warrant againſt one for Coining, Counterfeiting, Falſifying, or Debaſing any Coin, current in this Colony.* See *Money*, Sect. 5. 12.

A. B. Gent. &c. (*as* A.) To, &c. (*as* E.) Complaint being this Day made to me, That ſeveral *Spaniſh* Piſtoles, (or any other Species of Coin) being of the current Coin of this Colony, have been coined (or counterfeited, falſifyed, or debaſed, *as the Caſe is*) and that there is great Reaſon to ſuſpect, that *G. H.* of &c. has been guilty of the ſame, (or has been aiding, conſenting, or counſelling therein.) Theſe are therefore, in his Majeſty's Name, to will and require you and every of you, to attach the ſaid *G. H.* and him to bring before me, or ſome other of his Majeſty's Juſtices of the Peace for the ſaid County, to anſwer the Premiſes: And alſo, to require you to make diligent Search and Enquiry in all ſuſpected Places, for all coining Tools, Inſtruments, or Materials; and having found any ſuch, the ſame to ſecure and bring, together with the ſaid *G. H.* before me, or ſuch other Juſtice to whom you return this Warrant. Herein, &c. (*as* P.)

161. *Warrant to ſuppreſs an Ordinary.* See *Ordinaries*, Sect. 5.

A. B. and *C. D.* Gent. &c. (*as* C.) To &c. (*as* M.) Whereas we are credibly informed, That *G. H.* of the ſaid County, Ordinary Keeper, is himſelf a Man of evil Behaviour, and doth ſuffer evil Rule and Diſorder in his Houſe, contrary to the Act of General Aſſembly, in that Caſe made and provided: Theſe are therefore, in his Majeſty's Name, to will and command you forthwith

with to repair to the Houſe of the ſaid *G. H.* and charge him to ſurceaſe keeping Ordinary, and retailing Liquors in his Houſe, until the next Court to be held for the ſaid County, as he will anſwer the contrary at his Peril. Herein, &c. (*as* P.)

162. *Warrant againſt one for Curſing, Swearing, or being Drunk.* See *Religon*, Sect. 4.

A. B. Gent. &c. (*as* A.) To, &c. (*as* D. *or* K.) Whereas *G. H.* of, &c. was legally convicted before me, of curſing, (ſwearing, or being drunk, *as the Caſe is*,) on the Day of laſt paſt, (Note, *It muſt be within Two Months.*) within the Pariſh of *O.* in the ſaid County, whereby and by Force of the Act of General Aſſembly, in that Caſe made and provided, he hath incurred the Penalty of Five Shillings, or Fifty Pounds of Tobacco, for the Uſe of the Poor of the ſaid Pariſh.

Theſe are therefore, in his Majeſty's Name, to will and require you to demand and receive of the ſaid *G. H.* the ſaid Five Shillings, or Fifty Pounds of Tobacco; and, upon his Refuſal to pay the ſame, or to give ſufficient Caution for the Payment thereof, at the next Pariſh-Levy, to levy the ſame upon the Goods and Chattels of the ſaid *G. H.* within your Precinct: And, on Receipt, or Levying thereof, to pay the ſame to the Churchwardens of the ſaid Pariſh, for the Uſe aforeſaid. And if the ſaid *G. H.* ſhall not be able to pay the ſame, nor can it be levied as aforeſaid, that then you take the ſaid *G. H.* and give him Ten Laſhes on the bare Back, well laid on; for which this ſhall be your ſufficient Warrant. Herein fail not; as alſo to make Return how you ſhall have executed this Precept. Given, &c.

163. *Warrant to convey a Runaway Sailor on Board.* See *Sailors*. Sect. 1.

A. B. Gent. &c. (*as* A.) To, &c. (*as* L.) I ſend you herewith one *G. H.* a Runaway Sailor, belonging to the Ship *K.* of *L.* of which *M. N.* is Maſter; now, or lately, lying in *Hampton* Road, in *James*-River; who was this Day taken up in this County (being One Hundred and Fifty Miles diſtant from the ſaid Ship,) and brought before me, by *O. P.* of, &c. Hereby commanding you, in his Majeſty's Name, to convey the ſaid *G. H.* from Conſtable to Conſtable, until he ſhall be put on board the ſaid Ship; and there delivered to the Maſter, Mate, or other Officer of the ſame; from whom you are to take a Receipt for the ſaid *G. H.* and immediately carry and deliver the ſame to the Naval Officer of the Diſtrict in which the ſaid Ship rides. Or in caſe the ſaid Ship ſhall be gone out of the Country before the ſaid *G. H.* can be conveyed

veyed on board, that then you deliver him to the Captain of any Man of War, or Maſter of any Merchant Ship, who will receive him, and pay the Reward for taking him up according to the Act of General Aſſembly, in that Caſe made and provided. Herein, &c. (*as* P.)

164. *Receipt for ſuch Runaway Sailor.* See *Sailors.* Sect. 1.

RECEIVED this Day of 1739, from *N. O.* Conſtable, on board the Ship *K.* of *L.* whereof I am Maſter, the within named *G. H.* *M. N.*

Or, if delivered to another Officer,

RECEIVED this Day of 1739, from *N. O.* Conſtable, on board the Ship *K.* of *L.* whereof *M. N.* is Maſter, the within named *G. H.* *Q. R.* Mate.

165. *Certificate to the Taker-up.* See *Sailors.* Sect. 2.

O. P. of *Stafford* County, Planter, this Day brought before me *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for the ſaid County, a Run-away Sailor, named *G. H.* belonging to the Ship *K.* of *L.* whereof *M. N.* is Maſter, now [*or late*] lying at Anchor in *Hampton* Road, in *James* River. And the ſaid *O. P.* made Oath before me, that he took up the ſaid *G. H.* at his Plantation in this County, which is One Hundred and Fifty Miles diſtant from the Place the ſaid Ship rides at. Certify'd under my Hand, &c.

166. *Warrant againſt a Diſobedient Seaman.* See *Sailors.* Sect. 14.

COMPLAINT, &c. (*as* O.) by *M. N.* Commander of the Ship *K.* of *L.* now riding at Anchor in *Boyd*'s Hole, in *Patowmack* River, That *G. H.* a Perſon hired to ſerve on board the ſaid Ship, hath obſtinately refuſed to obey the juſt and lawful Commands of the ſaid *M. N.* (or of the Mate, or other Officer of the ſaid Ship,) or did aſſault and beat, or threaten Bodily Hurt to the ſaid *M. N.* or the Mate, &c. of the ſaid Ship, or did wilfully neglect his Duty on board the ſaid Ship being capable to perform the ſame. [*as the Caſe happens to be.*] Theſe are therefore in his Majeſty's Name, to will and require you to bring the ſaid *G. H.* before Us, on *Monday* the Day of this Inſtant, at *Boyd*'s Hole, in the ſaid County, by Eleven of the Clock in the Forenoon, to anſwer the ſaid Complaint. And

you are alſo hereby required to ſummon ſuch Perſons as you ſhall be deſired, either by the ſaid Complainant, or the ſaid *G. H.* then and there to appear before Us, to teſtify their Knowledge in the Premiſſes: Which Perſons ſo ſummoned, are hereby required to appear accordingly, as they will anſwer the contrary at their Peril. And have there then this Warrant, with the Return how you ſhall have executed the ſame. Herein fail not. Given, *&c.*

To *N. O.* Conſtable.

167. *Warrant againſt the Maſter of a Veſſel.* See *Sailors.* Sect. 17.

COMPLAINT, *&c.* (*as* N.) by *G. H.* a Sailor, belonging to the Ship *K.* of *L.* now riding at Anchor at *Boyd's* Hole, in the River *Patowmack*, whereof *M. N.* is Maſter, That the ſaid *M. N.* does not find and allow him, and the other Seamen under his Command, good and ſufficient Victuals and Proviſion, according to the Uſage in the Merchants Service. Theſe are in his Majeſty's Name, to will and require you to cauſe the ſaid *M. N.* to appear before me, on *Friday* the Day of this Inſtant, at, *&c.* then and there to anſwer the ſaid Complaint, according to the Act of General Aſſembly, in that Caſe made and provided. And have then there this Warrant, with your Return how you ſhall have executed the ſame. Given, *&c.*

To *N. O.* Conſtable.

168. *Certificate of Diſcharge to be given to a Seaman.* See *Sailors.* Sect. 18.

Stafford, ſſ. I *M. N.* Maſter of the Ship *K.* of *L.* now lying at Anchor at *Boyd's* Hole, in *Patowmack* River, do hereby certify whom it may concern, That I have this Day diſcharged *G. H.* a Sailor, lately belonging to the ſaid Ship. Given under my Hand, this Day of 1739.

169. *Certificate to the Taker up of a Runaway.* See *Servants*, Sect. 23.

E. F. of *Stafford* County, Planter, this Day brought before me *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for the ſaid County, a Run-away Man (or Woman) Servant, (or Man or Woman Slave) named *G. H.* belonging to *I. K.* of *King George* County, taken up by the ſaid *E. F.* Yeſterday, at his Plantation in this County, which is Twenty Miles diſtant from the ſaid *I. K's* Plantation, where the ſaid Servant (or Slave,) was kept. Certify'd, *&c.*

170. *Warrant*

170. *Warrant ſent with a Runaway, from Conſtable to Conſtable.* See *Servants.* Sect. 25.

"*A. B.* Gent. *&c.* (*as* A.) To, *&c.* (*as* L.) Theſe are, in his Majeſty's Name, to will and require you the ſaid *N. O.* to receive into your Cuſtody, a Runaway Servant Man, named *G. H.* herewith ſent, belonging to *I. K.* of *King George* County; and to give him Laſhes on the bare Back, well laid on: And then to convey him from Conſtable to Conſtable, until he ſhall be delivered to his ſaid Maſter. Hereby requiring every Conſtable thro' whoſe Hands the ſaid Runaway ſhall paſs, to give a Receipt for him according to the Act of General Aſſembly in that Caſe made and provided. Given, *&c.*

171. *Proclamation againſt an Outlying Slave.* See *Servants.* Sect. 37.

Stafford, ſſ. BY *A. B.* and *C. D.* Gent. Two of his Majeſty's Juſtices of the Peace for the ſaid County, whereof One is of the *Quorum*.

A PROCLAMATION.

WHEREAS We have received Information, That *Tom*, a Negro Man Slave, belonging to *T. B.* of the County of *W.* Gent. is run away, and now lies out lurking in *M.* Beverdams, in this County, frequently killing Hogs, and doing many other Injuries to the Inhabitants of that Neighbourhood. We do therefore, in his Majeſty's Name, ſtrictly charge and command the ſaid Slave, forthwith to ſurrender himſelf, or return Home. And if he ſhall not ſo do, immediately after, this Proclamation ſhall be publiſh'd on a *Sabbath* Day at the Door of every Church and Chappel of this County, immediately after Divine Service; which every Pariſh Clerk, and Reader, of ſuch Church and Chappel is hereby enjoined to do and perform. We hereby declare the Law to be, That any Perſon may kill ſuch Slave without Accuſation or Impeachment of any Crime for the ſame. And We hereby give full Power and Authority to the Sheriff of the ſaid County, and the ſaid Sheriff is hereby required, to take ſuch Power with him, as he ſhall think fit, for the effectual Apprehending the ſaid Outlying Slave, and to go in Search of him; and him having apprehended, to bring before ſome of his Majeſty's Juſtices of the Peace of the ſaid County, to be dealt with according to Law. Given under our Hands and Seals, the Day of in the Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of

GOD, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. *A. B.* *C. D.*

GOD ſave the KING.

172. *Mittimus for a Runaway that cannot or will not declare the Name of his or her Owner.* See *Servants*, Sect. 42.

A. B. Gent. &c. (*as* A.) To, &c. (*as* G.) I ſend you herewith the Body of a Negro Man taken up by *F. F.* of this County, Planter, and this Day brought by him as a Runaway before me: But, it appearing to me that he cannot ſpeak *Engliſh*, ſo as to declare the Name of his Owner, you are hereby required to receive him, and him ſafely keep in the Goal of this County, for ſuch Time, and giving ſuch Notice, as is enjoined and required by the Act of General Aſſembly in that Caſe made and provided. Given, &c.

173. *An Eſcape Warrant on a Commitment upon meſne Proceſs.* See *Sheriffs*, Sect. 25. See alſo *Precedent* 154. *where upon Execution.*

A. B. Gent. (*as* B.) To, &c. (*as* I.) Whereas *I. W.* Under-Sheriff of the ſaid County, hath this Day made Oath before me, That one *G. H.* who was committed to the Goal of the ſaid County for want of Bail, to appear and anſwer one *I. K.* of a Plea of Treſpaſs upon the Caſe, Damage One Hundred Pounds; did on the Day of laſt paſt, break the Goal of the ſaid County, and make his Eſcape. Theſe are therefore, &c. (as in Precedent 154, only obſerving to leave out theſe Words, without Bail or Mainprize, until Satisfaction made to the ſaid *I. K.* for the ſaid Debt and Coſts: Or,)

174. *Order againſt a Negro for keeping Arms*, &c. See *Slaves.* Sect. 23.

WHEREAS *E. F.* of the County of *Stafford*, Planter, this Day brought before me *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for the ſaid County, a Gun, and duly proved that he found the ſame in the Cuſtody of *P. H.* a free Negro. I do therefore, in Purſuance of the Act of General Aſſembly in that Caſe made and provided, adjudge the ſaid Gun to be forfeited; and that the ſaid *E. F.* keep and retain the ſame to his own Uſe. Given, &c.

175. *A Licenſe to Negroes*, &c. *to keep Arms*, &c. See *Slaves.* Sect. 24.

C. D. of *P. W.* County, Gent. having this Day applied to me *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for

for the ſaid County, and informed me, That he has ſeveral Negro Slaves living at a Frontier Plantation belonging to him in the ſaid County, who he deſires may have Liberty to keep Arms, &c. I do therefore, in Purſuance of the Power and Authority to me given by the Act of General Aſſembly in that Caſe made and provided, licenſe and allow the Slaves of the ſaid *C. D.* to keep and uſe at the ſaid Plantation, any Guns, Powder and Shot, or other Weapons, offenſive or defenſive. Of which thoſe whom it may concern are to take notice. Given, &c.

If a Free Negro applies, the Licenſe may be thus:

I *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for the County of *P. W.* purſuant to the Power and Authority to me given by the Act of General Aſſembly, in that Caſe made and provided, upon the Application of *C. D.* a Free Negro, living at a Frontier Plantation, in the ſaid County, do licenſe the ſaid *C. D.* to keep and uſe, &c. [*as above.*]

176. *Certificate for the Bounty on Tar.* See *Tar and Hemp.* Sect. 2.

E. F. of *Stafford* County, Planter, came this Day before me *A. B.* Gent. one of his Majeſty's Juſtices of the Peace for the ſaid County, and made Oath, that the Tar contained in Fifty Barrels, the Marks and Numbers of which are above written, is good and merchantable, according to the Directions of the Act of General Aſſembly, in that Caſe made and provided; and that each Barrel thereof is of the full Gauge, and doth contain Thirty Two Gallons of Nett Tar; and that the ſame was made on his Land, (or Plantation, or at) in the ſaid County. Certified, &c.

177. *Order to view a Fence.* See *Treſpaſſes*, Sect. 3.

A. B. Gent. &c. (*as* A.) To *C. D. E. F.* and *G. H.* of the ſaid County, Planters, Greeting. Whereas *I. K.* of the ſaid County, Planter, hath this Day complained to me, That a Horſe belonging to *L. M.* of the ſaid County, Gent. did laſt Night, break into the Corn-field of the ſaid *I. K.* which was fenced and incloſed, according to the Directions of the Act of General Aſſembly, in that Caſe made and provided; whereby he hath ſuſtained conſiderable Damage:

Theſe are therefore, to require you forthwith to go and view the Fence of the ſaid Corn-field, and to take Memorandums of the ſame in Writing, the better to enable you to teſtify, if you ſhall be required, concerning the Premiſes. Given, &c.

178. *Warrant*

178. *Warrant againſt one for Selling by unſealed Weights and Meaſures.* See *Weights and Meaſures*, Sect. 2. 3.

COMPLAINT, &c. (*as* N.) That *G. H.* did on the Day of laſt paſt, at *O.* Pariſh in the ſaid County, ſell to him Corn, (or any Thing elſe,) by an unlawful Meaſure, contrary to the Act of General Aſſembly, in that Caſe made and provided. Theſe, &c. (*as* Q.)

179. *Warrant to levy the Penalty.*

A. B. Gent. &c. (*as* A.) To, &c. (*as* K.) Theſe are in his Majeſty's Name, to will and require you to cauſe to be made of the Goods and Chattels of *G. H.* of *O.* Pariſh, Twenty Shillings, which he hath forfeited, for ſelling Corn by an unlawful Meaſure, contrary to the Act of General Aſſembly, in that Caſe made and provided; whereof he is convicted, as appears to me of Record: And that you have the ſaid Twenty Shillings before me, on the Day of next, to render to the Churchwardens of the ſaid Pariſh, for the Uſe of the Poor thereof. And have then there this Warrant. Given, &c.

180. *Mittimus for Want of Diſtreſs.*

A. B. Gent. &c. (*as* A.) To, &c. (*as* G.) I ſend you herewith the Body of *G. H.* of, &c. convicted before me of ſelling Corn by an unlawful Meaſure, contrary to the Act of General Aſſembly, in that Caſe made and provided; whereby the ſaid *G. H.* incurred the Penalty of Twenty Shillings, for the Uſe of the Poor of *O.* Pariſh in this County: And foraſmuch as the ſaid Twenty Shillings could not be levied of the Goods and Chattels of the ſaid *G. H.* as appears by the Return of my Warrant for that Purpoſe iſſued: You are hereby, in his Majeſty's Name, required to receive the ſaid *G. H.* and him ſafely keep in the Goal of this County, without Bail or Mainprize, until he ſhall ſatisfy and pay the ſaid Twenty Shillings to the Churchwardens of the ſaid Pariſh of *O.* for the Uſe of the Poor thereof: For which this ſhall be your ſufficient Warrant. Given, &c.

181. *Certificate for a Wolf's Head.* See *Wolves*, Sect. 3. 7.

C. D. of *Stafford* County, Planter, this Day brought before me *A. B.* Gent. one his Majeſty's Juſtices of the Peace for the ſaid County, the Head of a Wolf, which he proved, according to the Directions of the Act of General Aſſembly, in that Caſe made and

and provided, to have been killed within the ſaid County. Certified, &c.
Or,
the Head of a Wolf not Six Months old, (*as the Caſe is.*)

182. *Warrant againſt one for buying red Deer Skins.* See *Deer*, Sect. 7. 8.

COMPLAINT, &c. (*as* N.) That *G. H.* did buy, (or receive into his Houſe) a red Deer-Skin, contrary to the Act of General Aſſembly, in that Caſe made and provided:
Theſe, &c. (*as* Q.)

183. *Warrant againſt one for keeping Hounds at Large.* See *Deer*, Sect. 9.

COMPLAINT. &c. (*as* N.) That *G. H.* does keep Three Beagles or Hounds running at large, contrary to the Act, &c. (*as in* Precedent 182.)
Theſe, &c. (*as* Q.)

184. *Warrant againſt one for Fire-hunting.* See *Deer*, Sect. 10.

COMPLAINT, &c. (*as* N.) That *G. H.* was, on the Day of laſt paſt, preſent at a Fire-hunting, contrary, &c. (*as in* 182.)
Theſe, &c. (*as* Q.)

185. *Warrant againſt one for hunting on another's Land.* See *Deer*, Sect. 10, 11.

COMPLAINT, &c. (*as* N.) That *G. H.* on the Day of laſt paſt, was hunting (or ranging) upon the Land of *I. K.* without his Leave, contrary, &c. (*as in* 182.)
Theſe, &c. (*as* Q.)

186. *Warrant to value Timber for repairing Highways.* See *Highways*, Sect. 11.

A. B. Gent. &c. (*as* A.) To *C. D.* and *E. F.* of the ſaid County, Planters, Greeting. Whereas I am informed by *G. H.* Surveyor of the Highways between and in this County, that it is neceſſary to get ſome Timber for building (or repairing) a Bridge in the ſaid Highway, from the Land of *I. K.* thereto adjoining:
Theſe are therefore, to impower and require you, being firſt ſworn before me or ſome other Juſtice of this County for that Purpoſe,

Purpoſe, well and truly to appraiſe and value, in Tobacco, ſuch Timber as ſhall be neceſſary for the Uſe aforeſaid; and to give a Certificate of ſuch Valuation to the ſaid *I. K.* Given, &c.

187. *Warrant againſt the Surveyor of the Highways, for not erecting Poſts*, &c. See *Highways*, Sect. 11. 15.

COMPLAINT, &c. (*as* N.) That *G. H.* Surveyor of the Highway between and in this County, hath not ſet up a Poſt or Stone, with Inſcription thereon, at the Croſs Road leading to within his Precinct, according to the Directions of the Act, &c. (*as in* 182.)

Theſe, &c. (*as* Q.)

188. *Warrant againſt the Owner of a Mill, for not repairing his Dam*, &c. See *Highways*, Sect. 16, 17, 18.

COMPLAINT, &c. (*as* N.) That *G. H.* Owner (or Occupier) of Mill, in one of the Public Roads of this County, doth not keep the Dam of the ſaid Mill for the whole Length thereof (or the Bridge or Paſſage of the Peer-head, Floodgates, or Waſte) Ten Feet wide at the Top, (or has not ſtrong Rails ſet up on each Side of the Bridge, &c.) according to the Directions of the Act, &c. (*as in* 182.)

Theſe, &c. (*as* Q.)

189. *Warrant againſt a Pedlar not having a Licenſe.* See *Pedlars*, Sect. 4, 5, 6.

COMPLAINT, &c. That *G. H.* a travelling Pedlar, did on the Day of laſt paſt, ſell and diſpoſe of divers Goods and Merchandizes to one *I. K.* within this County, without having obtained a Licenſe for that Purpoſe, contrary, &c. (*as in* 182.)

Theſe, &c. (*as* Q.)

190. *Warrant againſt a Pedlar for not producing his Licenſe.* See *Pedlars*, Sect. 4, 5, 6.

COMPLAINT, &c. (*as* N.) That *G. H.* a travelling Pedlar, on the Day of laſt paſt, within this County, did refuſe to produce and ſhew his Licenſe to the ſaid *E. F.* upon the Requeſt of the ſaid *E. F.* to ſee the ſame, contrary, &c. (*as in* 182.)

Theſe, &c. (*as* Q.)

191. *Warrant*

191. *Warrant againſt an Inſpector, for not attending his Warehouſe.* See *Tobacco*, Sect. 171.

COMPLAINT, &c. That *E. F.* and *G. H.* Inſpectors at *B. H.* Warehouſe in this County, did on the Day of laſt paſt, fail and neglect to attend at the ſaid Warehouſe, when and where the ſaid *C. D.* went to demand and receive Two Hogſheads of Tobacco from the ſaid Inſpectors; contrary to the Act, &c. (*as* in 182.) Theſe, &c. (*as* Q.)

192. *Warrant for the Peace.*

A. B. Gent. &c. (*as* A.) To, &c. (*as* M.) Whereas *C. D.* of, &c. hath required Sureties of the Peace againſt *G. H.* of, &c. and hath taken his corporal Oath before me, That he hath not required the ſame for any private Malice, Hatred, or Ill Will, but merely that he is afraid of his Life, (or the hurting or maiming his Body, or burning his Houſes, &c.) [*as the Caſe is.*] Theſe are therefore, in his Majeſty's Name, to will and require you, that on Sight hereof, you, or any of you, require the ſaid *G. H.* to come before me, or ſome other of his Majeſty's Juſtices of the Peace for the ſaid County, to find ſufficient Sureties, as well for his Appearance at the next Court to be held for this County, then and there to do and perform what ſhall be enjoined him by the ſaid Court; as alſo, that the ſaid *G. H.* ſhall, in the mean Time, keep his Majeſty's Peace, as well towards his Majeſty, as all his Liege People, and eſpecially towards the ſaid *C. D.* And if he ſhall refuſe ſo to do, that then, without expecting any other Warrant, you convey him to the Goal of this County. And the Sheriff, or Keeper of the ſaid Goal, is hereby required to receive and ſafely keep him in the ſaid Goal, until he ſhall give ſuch Security, or be thence delivered by due Courſe of Law. And for your and every of your ſo doing, this ſhall be your ſufficient Warrant. Given, &c.

193. *Warrant for the Good Behaviour.*

A. B. Gent. &c. (*as* A.) To, &c. (*as* K.) Whereas I have been credibly informed, That *G. H.* of, &c. is a Perſon of evil Behaviour, a Rioter, Barretor, and common Diſturber of his Majeſty's Peace, [*or otherwiſe, as the Caſe is.*]

Theſe are, in his Majeſty's Name, to will and require you to bring the ſaid *G. H.* before me, or ſome other of his Majeſty's Juſtices of the Peace for the ſaid County, to anſwer what ſhall be objected againſt him touching the Premiſſes, by *C. D.* Herein, &c. (*as* P.)

194. *Mittimus for Want of Security.*

A. B. Gent. (*as* A.) To, *&c.* (*as* G.) I ſend you herewith the Body of *G. H.* this Day brought before me, and convicted of being a Barretor, and common Diſturber of his Majeſty's Peace: And he having refuſed to find ſufficient Sureties for his Appearance at the next Court to be held for this County, then and there to do and perform what ſhall be enjoined him by the ſaid Court, and in the mean Time to be of Good-Behaviour, you are thereby required to receive the ſaid *G. H.* and him ſafely to keep in the ſaid Goal until, *&c.* (*as in* Precedent 192, *for the Peace, to the End.*)

195. *Recognizance for the Peace, or Good-Behaviour.*

MEMORANDUM, That on the Day of 1739, *G. H. I. K.* & *L. M.* of, *&c.* perſonally came before me, *A. B.* Gent. one of His Majeſty's Juſtices of the Peace for the ſaid County, and ſeverally acknowledged themſelves to be indebted to our Sovereign Lord King *George* the Second, in the Sums following: That is to ſay, the ſaid *G. H.* in the Sum of Twenty Pounds; and the ſaid *I. K.* & *L. M.* in the Sum of Ten Pounds each: To be levied of their and every of their Goods and Chattels, Lands and Tenements, reſpectively, to the Uſe of our ſaid Lord the King, his Heirs and Succeſſors; upon Condition, That if the ſaid *G. H.* ſhall perſonally appear at the next Court, to be held for the ſaid County, at the Court-houſe, on the Second *Tueſday* in next, then and there to do and receive what ſhall be enjoined him by the ſaid Court, and ſhall not depart without the Leave of the ſaid Court; and in the mean Time ſhall keep His Majeſty's Peace, as well towards His Majeſty, as all his Liege People, and eſpecially towards *C. D.* of, *&c.* (or in the mean Time ſhall be of good Behaviour:) Then this Recognizance to be void.

Taken before me,
A. B.

DIRECTIONS for Altering and Amending the *Table*, in the former ABRIDGMENT.

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